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ABSTRACT

This compilation of over 40 lesson plans on various topics in law related education was written by classroom teachers from around the United States who had participated in the fifth of an annual series called Special Programs in Citizenship Education (SPICE)--weeklong institutes devoted to learning about different cultures and laws. Called SPICE V for short, this most recent institute was held in the summer of 1991 with some 100 professionals in attendance. The lessons collected in this document are divided into four main categories: Comparative Law; Constitutional Law and History; Environmental Law; and Other. Sample lessons from each category, respectively, include: "A Comparative Analysis of Jury Systems"; "Bill of Responsibilities"; "Catamount Controversy: A Study of An Environmental Issue"; and "Becoming a Land Owner." Each lesson features the following information for teachers: overview, goals, audience, time to complete, materials, procedures, and tips for the teacher. Lessons are provided for each grade level. (DB)

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We, the People of the World...

Special Programs in Citizenship Education: Comparative Legal Systems

Written by
SPICE V CLASSROOM TEACHERS

Edited by
Julia P. Hardin
and
Richard G. Moulden

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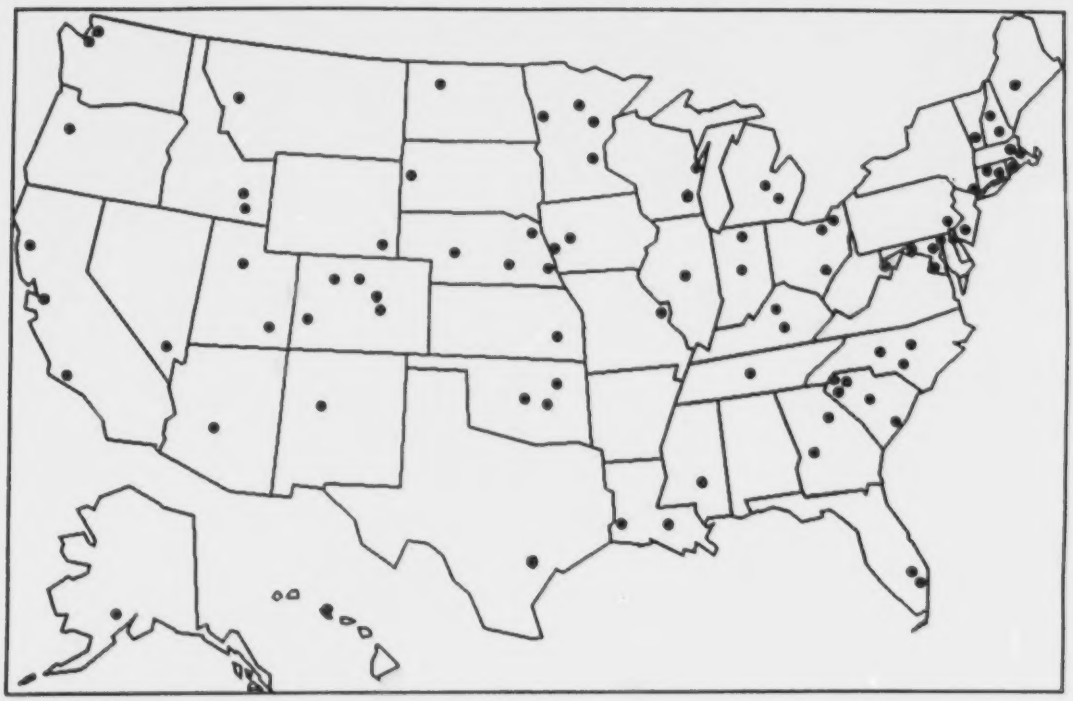
Classroom Locations of Teachers Participating in SPICE V



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ACKNOWLEDGMENTS

"I am a citizen... of the world." - Socrates (470?-399 B.C.)

Socrates declared it. Woodrow Wilson believed it. The theme of this publication, and the lessons contained herein, echo it. With each technological advancement in media and communications, with each barrier that comes tumbling down, whether in Berlin or South Africa or the Soviet Union, we receive confirmation of it -- We are, truly, citizens of the world.

With that realization comes the responsibility to educate ourselves about our neighbors next door, across state lines, and across national borders. We can learn from each other, and we can help each other, but only if we understand each other.

In the Summer of 1990, a group of more than 100 classroom teachers from all over the country were chosen to participate in a weeklong institute devoted to learning about different cultures and laws. It was the fifth in an annual series of Special Programs In Citizenship Education (SPICE) sponsored by the Center for Research and Development in Law-Related Education.

The boundless (and contagious) energy and enthusiasm of these professionals for their tasks as teachers and students of world history and culture produced the lessons you will find in these pages. One lesson compares the Islamic and American systems of justice. Another challenges students' preconceptions of the Soviet constitution. Others compare and contrast the constitutions of various countries, including Cuba, France, Japan, Great Britain, the Soviet Union, and the United States.

There are also many lessons to help us understand more about the U.S. Constitution so that we are better prepared to compare it with that of our neighbors. And what is more important to the citizenry of the world than the fate of the planet Earth and its atmosphere? Several environmental law lessons are thus included.

We extend our heartfelt thanks to each SPICE V participant for his or her contributions to the overall success of this year-long program.

There are many others who made significant contributions to this effort, including speakers, mentors, project staff, and funders. In particular, Steve Jenkins, Richard Moulden, and Marj Montgomery deserve the credit for ensuring that this program would be of personal value to each and every participant.

Staff members Becky Brookshire, Mary Sue Brookshire, Gerri Mitchell, Peter Strickland, and Karla Tucker kept the wheels turning, and Janet Gum from the St. Louis Bar Association assisted with administrative details. Bob Leming, in his cordial and inventive fashion, made the event as enjoyable as it was educational. Peggy Beach, Becky "eagle-eye" Brookshire, Nathalie Gray, Dianna Habib, Marilyn Pearson, Michael Reggio, Samantha Smiley, and Lee Ann Smith-Dunn helped edit, review, and proof lesson plans.

In his keynote address, John Loftus lifted the teachers' spirits to new heights and pressed their concerns for the protection of our freedoms to new depths. Wake Forest University law faculty J. Wilson Parker and George Walker offered substantive and scholarly perspectives, along with many other bright and fascinating speakers. The efforts of Professor John Litcher enabled many of our participants to earn graduate credit.

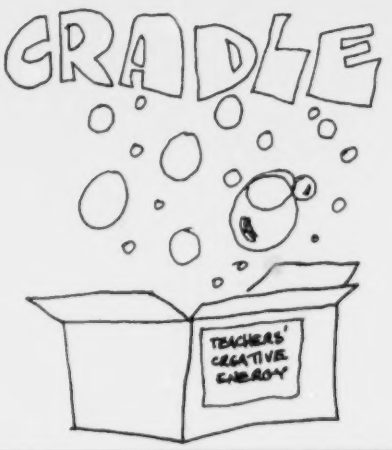
The breadth of this project makes it almost impossible to thank everyone who helped, but we cannot forget the gracious support of law school Dean Robert Walsh and his staff, especially two who somehow managed to keep our computers operational: Jean Hooks and Sally Irvin.

SPICE V was made possible by a grant from the U.S. Department of Education. The successes of SPICE V were made possible by our dedicated Board of Trustees, regional coordinators, state team members representing every state and the District of Columbia, and the participants in this institute.

Creativity has been a hallmark of lessons developed through the CRADLE Repository, and those selected for inclusion in this publication are no exception. From "No Way! My Parents Will Kill Me!" to "Symbolic Speech: A New Look," we sincerely hope that teachers will find a source of information and inspiration that will be useful in their own efforts to educate the coming generations of world citizens.

Julia P. Hardin, Executive Director

ABOUT CRADLE ...



The Center for Research and Development in Law-Related Education is governed by a national Board of Trustees composed of state and local law-related education leaders, Wake Forest University faculty, and community leaders who believe in the CRADLE mission. It was founded in 1983 on the bubble-up theory of management and curriculum development. Leadership comes from the grassroots, with CRADLE constituents serving on the Board, as regional coordinators, and in other leadership capacities. The Center's activities are implemented through a central staff, ten regional coordinators, and state teams.

National Repository of Lesson Plans

Former U.S. Supreme Court Chief Justice Warren Burger, as chair of the Commission on the Bicentennial of the United States Constitution, designated CRADLE as the "national repository" for teacher-developed materials on teaching about the law and the Constitution for elementary and secondary level students. The repository's operations are funded by the Commission. Through our nationwide network of teachers, creative approaches to teaching these subjects are collected and catalogued in the National Repository for Teacher-Developed Lessons on the Law and the Constitution. Teachers request copies of these lesson plans in either paper or computer disk format for adaptation and use in their own classes. Repository materials are disseminated through catalogs describing available lessons and other resources, national and regional conferences featuring the CRADLE network of teachers, and a quarterly newsletter (SPLICE), distributed to members of our network and other LRE organizations.

S L I C E - Sharing Lessons In Citizenship Education and S P I C E - Special Programs In Citizenship Education

These programs are designed to provide "caring, sharing, and daring" experiences for teachers and to promote the development of innovative lesson plans through regional meetings, summer institutes, publications, and repository dissemination. In recent years, each regional coordinator has conducted training sessions for state team members, and each state team has sent representatives to summer institutes. Special programs have been provided for students, such as a recent Comparative Legal Systems institute in Washington, D.C. It is through these programs that lesson plans are developed, tested, edited, and catalogued in the national repository.

Innovations

A special project for 1991 is the development of an interactive video program to use in teaching secondary level students about the role of the Supreme Court in the protection of Constitutional rights and the evolution of those rights. In addition, CRADLE has established a computerized bulletin board to enable LRE/citizenship teachers to exchange ideas and lessons electronically.

Other Lesson Plan Compilations Available:
Teaching Our Tomorrows (SPICE I)
Constitutional Sampler (SPICE II)
Applauding Our Constitution, K-8 (SPICE III)
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Many other lessons are available in our National Repository!
Call 1-800-437-1054 for a free catalog.

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A Comparative Analysis of Jury Systems

Lee F. Weber
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South Sioux City, Nebraska

OVERVIEW

When the word "jury" is used, students logically picture a body of twelve men and women hearing evidence and rendering a verdict in an American courtroom. While this image is more often true than not in the English-speaking nations of the world, it is not the only jury system used in democratic societies. This activity is designed to familiarize students with the jury systems in other Western European countries, and to allow them to make critical comparisons between the systems in France, Germany, and the United States.

GOALS

At the conclusion of this lesson, students should be able to critically evaluate the American jury system, especially as it compares to the jury systems of France and Germany.

AUDIENCE

Grades 11 and 12.

TIME TO COMPLETE

One 50-minute session.

MATERIALS AND OUTSIDE RESOURCES

Jury System Comparison Chart.

PROCEDURE

Prior to the use of this lesson, students should be introduced to the basics of the American jury system. They should be aware that a normal jury consists of twelve persons (in a few states, six), chosen randomly from the community. They should also be aware that normally juries must determine a verdict by a unanimous vote (in a few states 10-2, or 9-3), and that the jury should reflect a "cross section" of the community -- what we often call a "jury of one's peer."

The teacher should now explain that there are **other** methods used, and not just in societies with harsh dictatorial policies.

In France, juries consist of nine lay persons and three professional judges. Each person has one vote and a verdict requires **only eight votes**, with an undecided vote counting in favor of acquittal in a criminal case.

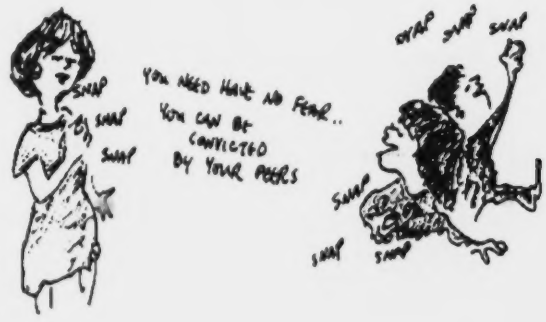
In Germany, two different systems are used. In serious cases, five people sit on a jury --two lay and three professional judges. In less serious cases, one professional judge joins two lay persons. In each instance only a majority vote is required for a verdict! In addition, German jurors serve year-long terms and hear all the cases within a community for the duration of the year.

When students hear about these variations, they are frequently prompted to ask, "Which is the best system?"

To compare the pros and cons of each, students can initially discuss the merits of each plan. After an initial class discussion, students should be asked to complete the comparison chart, either individually or as a group project.

REFLECTIONS ON THE LESSON

This lesson plan has worked well in a Criminal Justice class composed of 11th and 12th grade students. It is easily adaptable to lower level students and to other classes as well.



	UNITED STATES	FRANCE	GERMANY
MEMBERSHIP How are jurors chosen? How many jurors?			
LENGTH OF TIME SERVED ON JURY			
VOTE REQUIRED FOR A VERDICT			
WHICH WOULD BE MOST FAVORED BY A PROSECUTOR? WHY?			
WHICH WOULD BE MOST FAVORED BY A DEFENDANT? WHY?			
WHICH WOULD BE MOST LIKELY TO REACH A VERDICT *QUICKLY*? WHY?			
WHICH WOULD BE MOST LIKELY TO BE INFLUENCED BY EMOTION AND DRAMA IN THE TRIAL, OR BY EMOTIONAL ARGUMENTS OF ATTORNEYS? WHY?			
WHICH WOULD BE MOST LIKELY TO BE AFFECTED BY RACIAL/RELIGIOUS/OR ETHNIC PREJUDICES? WHY?			
WHICH DO YOU THINK, IN GENERAL, IS THE BEST SYSTEM? WHY?			

A Comparative Study of Dispute Resolution
The Adversary Versus the Non-Adversary Process

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OVERVIEW
The students during this lesson will make comparisons of various methods of resolving disputes. The handouts will aid the students in assembling information needed in a topic area, and comparing advantages and disadvantages of alternative approaches to the topic of dispute resolution.

To gain an appreciation of our legal system, and recognize the strengths and weaknesses, the students will compare the adversary process used in the U.S. With the non-adversarial procedures of Western Europe. It will be most helpful if this exercise is used after a mock trial has been conducted in class.

As a final activity, materials are included to allow students to re-enact a trial which took place in West Germany over 20 years ago: the trial of Dr. Ulrich Brach. This will illustrate the non-adversarial nature of the continental trial system used in Western Europe.

GOALS
As a result of this lesson, students will:

- Be able to explain the strengths and weaknesses of the trial procedures used in both the U.S. and Western Europe.
- Make comparisons between the U.S. and continental legal systems.
- Determine if the strengths of the continental system could be adapted to our system.
- Compare the two systems in terms of fairness, efficiency, costs, and procedures.
- Evaluate the methods of determining facts in a criminal case.

AUDIENCE
Grades 11 and 12, law studies class or government class.

TIME TO COMPLETE
Two to three 50-minute class periods depending on which option of presentation you choose.

MATERIALS

1. A copy of the article, "There is an Alternative to the Adversary System" by Charles White (*Update* magazine).
2. Handout #1: Dispute Resolution Chart
3. Handout #2, Option #1: Adversary vs. Non-Adversary System of Justice
4. Handout #2, Option #2: Chart
5. Completed chart for teacher use or discussion
6. Handout #3: Comparison worksheet.

PROCEDURES

Day One:

1. Introduce this lesson by brainstorming with the class different methods to resolve disputes. Write this list on the board.

2. Follow the brainstorming session with a discussion centered on:

   a. Which method seems to be the fastest?

   b. Which method seems to be the most socially acceptable?

   c. Would different countries have different answers to "socially acceptable" question?

   d. Which method seems to be the fairest?

   e. Which method do you personally favor, or choose to use if you had to resolve a dispute with someone?

f. Identify these four methods of resolving disputes.

1) Negotiation
2) Mediation
3) Arbitration
4) Adjudication

g. Pass out handout #1 and make sure the students understand differences.

3. Option #1 - Pass out the article on the continental system - assign for homework to read. Option #2 - Use the article for your own reference.

Day Two:

If option #1 is used - Pass out comparison sheet with "area of comparison column" filled out only. Assign students to fill in as a worksheet, either individually, in small groups, or by class discussion.

If option #2 is used - Use the chart with only the non-adversary system filled in. Have students complete as a worksheet based on their knowledge of our adversary system. Can use this same approach as above; individual, group, or class discussion.

Day Three:

1. Pass out handout #3 - Comparison worksheet.

2. Assign (individually, group, etc.) to be completed.

3. When students complete their comparison chart, assign the last step in the project.

Assignment: After completing this chart, decide what features you would like your legal system to have. You may combine the best of both systems to create an efficient, fair, and just method of handling criminal behavior. You may add any features not mentioned on this chart.

(This can be assigned as homework.)

TIPS FOR THE TEACHER

1. You can choose the option that seems best suited for your class. Some can work better in small groups, while others may be able to accomplish the objectives in a different manner.

2. Evaluation may be achieved by using worksheets as a graded assignment. Instead, you may wish to develop a quiz or test of your own.

3. You may want to conduct a trial using the non-adversary procedures outlined in the article. The trial of Dr. Ulrich Brach (mentioned in the article) is a good one.

COMPARISON WORKSHEET

Key:

1. Fact finding
2. Judges
3. Prosecutor/defense counsel
4. Role of lay people
5. Plea bargaining
6. Speedy trials
7. Costs

AREA	ADVERSARY	NON-ADVERSARY
1	ADVANTAGE ----- DISADVANTAGE *explain:*	ADVANTAGE ----- DISADVANTAGE *explain:*
2	ADVANTAGE ----- DISADVANTAGE *explain:*	ADVANTAGE ----- DISADVANTAGE *explain:*
3	ADVANTAGE ----- DISADVANTAGE *explain:*	ADVANTAGE ----- DISADVANTAGE *explain:*
4	ADVANTAGE ----- DISADVANTAGE *explain:*	ADVANTAGE ----- DISADVANTAGE *explain:*
5	ADVANTAGE ----- DISADVANTAGE *explain:*	ADVANTAGE ----- DISADVANTAGE *explain:*
6	ADVANTAGE ----- DISADVANTAGE *explain:*	ADVANTAGE ----- DISADVANTAGE *explain:*
7	ADVANTAGE ----- DISADVANTAGE *explain:*	ADVANTAGE ----- DISADVANTAGE *explain:*

Assignment: After completing this chart, decide what features you would like your legal system to have. You may combine the best of both systems to create an efficient, fair, and just method of handling criminal behavior. You may add any features not mentioned on this chart.

There Is an Alternative to the Adversary System: A European system may meet America's needs

by Charles White

Source:
Update on Law-Related Education Vol. 4 No. 3 (American Bar Association, Fall 1980), pp. 27-29, 54

Just about everyone agrees that criminal justice in America is a mess. From all sides comes the cry the courts are slow and the cost of justice high. Many think that the system has become so unwieldy that it would long ago have fallen of its own weight if plea bargaining didn't dispose of 90% of the cases.

Some critics think that the fundamental problem is our adversary system of trying cases, which places heavy reliance on a battle between prosecution and defense that may bewilder the jury, delay justice, and bankrupt everyone but the lawyers. These observers are looking at an alternative that has been around since the Middle Ages but is only now attracting serious attention here. The continental system is shared in one form or another by all European countries but England. For years lambasted as a carry-over from the Inquisition and a creature of an all-powerful state, it now gives promise of delivering justice promptly and economically.

While legal cases in England and the U.S. are generally shaped by the parties, who determine the issues, call witnesses, and present evidence, continental cases are generally shaped by judges. While in our system judges are basically passive, reacting to what the lawyers on each side present, in the continental system they're actively in charge of the cases, calling witnesses, determining which order witnesses will be heard in, and conducting most of the questioning.

A Case with Ugly Facts

One way of deciding whether the continental system has anything of value for our own is to see how it handles a tough case. Though the criminal proceedings against Dr. Ulrich Brach took place in West Germany more than 20 years ago, this rather bizarre case provides a clear example of just how different continental procedure is from Anglo-American. It is fully reported in Sybille Bedford's book **The Faces of Justice: A Traveler's Report**, which serves as the basis of this abbreviated account.

Dr. Brach was a physician in the German army. At the time of his "crime" he had been stationed for a year at a base about 200 miles from his home in the town of Karlsruhe. Because he couldn't find quarters for his family at the base, his wife and child, a girl of about 12, had continued to live in Karlsruhe, where Dr. Brach joined them every other weekend.

During this year, Dr. Brach's daughter had been accosted more than a dozen times by a man who exposed himself to her on her way to school. The man never touched her, but she was frightened and confused by the incidents. The girl told her mother, and the mother went to the police, but nothing happened. Dr. Brach learned about these incidents, but since he was away throughout the week, there was little he could do.

Then, in February, the man exposed himself to the girl on a Saturday, when her father was at home. When she returned home, Dr. Brach picked up a pistol, and he and the girl went out to search for the man. His daughter identified a small, elderly man, and Dr. Brach went up to him, told him he was placing him under arrest, and said he was going to take him to the nearest police station.

The man seemed to acquiesce, and the two began to walk together. However, the man turned into a large park in the center of town. The doctor realized that this was not the proper way and urged the man to follow him. However, the man pressed on. After walking for some time, the doctor was able to hail a passerby, a large teen-age boy who agreed to help him bring the man to the police station.

The man then made a feeble attempt to escape, trotting a few feet off, but was easily apprehended by the boy and Dr. Brach, who showed him the pistol as warning. The three walked along, arguing about whether he would go to the police station. Reaching a wall of the park, the man seized a branch of a tree and began to pull himself up. The boy rushed at him, and tried to drag him down. Dr. Brach pulled out his gun and fired two shots into the air. The boy ducked and sprang back. The man tried to go beyond the wall, Dr. Brach lowered his arm, and as he did, a third shot went off, or was fired. It hit the man in the stomach and he slumped down. Within minutes, he was dead.

Dr. Brach was eventually charged with a crime less serious than murder: wounding with intent to do grievous bodily harm. The case was extensively reported in the press, and caused widespread public controversy. Thousands of people expressed themselves in letters to the press, the police, and the judiciary. Many writers (most of whom were women) hailed the doctor as a hero. The other faction, noting that the doctor was in the army, found the whole business a disquieting reminder of the bad old days of military autocracy and defiance of democratic rule.

The Trial of Dr. Brach

Dr. Brach's case had all the elements of a **cause celebre** -- sex, murder, a prominent defendant. In our country, his trial would probably be marked by extensive maneuverings by his lawyers and the prosecution, by protracted wrangling over jury selection, and by a long acrimonious trial. However, the German trial was conducted quickly, quietly, and inexpensively.

One of the first differences that would strike an observer from a common law country is the physical set-up of the court. We are accustomed to a bench for the judge and a separate box for the jury, but in this trial there is just a long, slightly raised table at which sit eight men and one woman in a row. Three of these people are the professional judges; the others are lay judges, a kind of rough equivalent to our jury. At the conclusion of the trial, they will deliberate together with the professional judges to arrive at a verdict and set a sentence.

The chief judge dominates the proceedings. Sybille Bedford, an Englishwoman familiar with her country's system of justice, writes, "It was a strange experience to hear the (attenuated) inquisitorial procedure at work, to hear all questions, probing questions and soothing questions, accusatory and absolving questions, questions throwing a favorable light and questions having the opposite effect, flow from one and the same source, the bench, and only from the bench, while public prosecutor and counsel for the defense sat mute, taking notes."

The judge's questions are based on the accused's **dossier** -- the extensive file on the case which has been built up by police and prosecutors through months of questioning of the defendant and other witnesses in the case. Having extensively studied the dossier, the judge is prepared to bring out by his questions the full story of the incident as well as background events leading up to it.

The judge is an impartial questioner. Unlike the prosecution and the defense lawyers we are familiar with in our system, who are preoccupied with getting only their side of the case into the record, the judge methodically seeks to get the whole story. Sometime, his manner is relaxed and informal, designed to put the witness at ease. For example, in questioning the doctor about his nine-hour drive home the night before the incident (an important consideration in determining his mental state), the judge asks about the road conditions, and finding out that the doctor had to contend with ice and patches of fog, remarks, "Sounds filthy. We all know that road."

Later on, in questioning the doctor's daughter, the judge "asked her some questions about school; he nearly made her laugh; then, friendly and matter of fact, he told her that now they must speak about those disagreeable things." According to Sybille Bedford, the judge's informal manner and offhand questions, "informed by moderation, good sense and respect for other people's feelings...[constituted] a performance of high human quality."

In keeping with the informality of German trials, there is no witness stand; rather, witnesses merely face the court and are questioned. At one point in the proceedings, a witness raises a point not covered by Dr. Brach's testimony, and the judge, rather than calling Brach anew and swearing him in, merely looks over to where he is sitting and asks him a question based on what the witness has said.

Much of the trial is taken up with a long examination into Dr. Brach's character. One of his supervisors in the army is represented by a letter; another testifies in person. The most important analysis of the defendant, however, is the testimony of a professor of psychiatry employed by the court itself, not by one or the other of the parties. The professor describes Dr. Brach as a man "rather lacking in initiative, decent, but clumsy and without drive, a man who found it very hard indeed to get a grip on reality." His lack of personal aggressiveness, the professor says, made him act the way he did when he had to cope with the situation in the park.

Through the judge's patient, careful questioning, the essential facts emerge. That Dr. Brach thought he had the right to use force if necessary to make the arrest. That there was little chance of the man successfully getting away at the wall, since the boy was holding on to his legs until frightened off by Brach's shots, and, in any event, the man probably would not have escaped even if he did get over the wall.

Wrapping It Up

Even though a number of persons testify--including Dr. Brach's wife, the adolescent boy who tried to help Brach control the man, a couple who saw the shooting in the park, and several women victimized by the exhibitionist--it only takes the court a little over a day to hear all the evidence. The prosecutor and the defense counsel have the opportunity to ask supplementary questions, but rarely do so. Their only important role in the case comes at the end, when each delivers a final statement to the judges.

In a long lifeless speech, the prosecutor says that although the law permits citizen's arrest, it does not permit any physical violence to be used in such situations. Admitting that the doctor was under psychological strain, the prosecutor argues that he must bear the consequences of his "own willful decision to wound another man." He says that a verdict of not guilty would pave the way for vigilante justice. In recommending a sentence, he recognizes that Brach had an impeccable previous record, and notes that he would be dismissed from the army if sentenced to a year or more of prison. Therefore, he suggests that a sentence of 10 months would be "the just and sufficient retribution in this case," making it clear to Brach and the public that people can't take the law into their own hands.

The defense lawyer's speech, though equally long-winded, is entirely different. Mrs. Bedford had been struck by the "moderation" of the trial, "the climate of impartial reserve, the abstention from censorious comment: censure of the dead man against whom nothing could be said to have been proved, restraint from censure (on the whole) of Dr. Brach who is not yet convicted." However, the defense lawyer makes the kind of arm-flapping, stem-winding speech we would associate with country lawyers of the old school. He points out that the true criminal isn't on trial, that Brach's shot rid society of an obnoxious character who might even, someday, have murdered a child. Citing a number of previous cases, he says that the law permits violence in an emergency situation, which surely this was. He asks for a verdict of not guilty.

The case raises all sorts of troublesome issues, and we might expect a jury to puzzle over it for a long time, but the German panel is ready with a verdict (and a justification of the verdict) within four hours. At 6 p.m. on the trial's second day, the presiding judge announces that Dr. Brach has been found guilty and sentenced to four months imprisonment, to be suspended while he serves three years of probation. His weapon is confiscated, and he is ordered to pay the cost of the prosecution.

The judge goes on to read a statement indicating the reasons for the judgment. The shot that killed the man had neither been justified in law nor necessary in fact. There had been no emergency, at least not as the law defines it. In mitigation, though, the doctor had a blameless past and faced a grim situation as a parent, aggravated because as a doctor he knew what exhibitionism could do to a child, and because his own enforced absences from home made him unable to take action earlier. And, due to lack of sleep and a grueling drive the night before, the doctor had been "below par" on that day. Furthermore, he was the head of the family--there was now a new seven-month-old baby--and might face civil liabilities from a legal claim filed by the victim's widow. "In view of all these circumstances," the judge says, "we hold the sentence of four months deferred to be the just and sufficient penalty for this deed."

That's not quite the end of it. Within five weeks after the trial, the professional judges are required to file a lengthy document thoroughly going over the evidence in the case, analyzing the legal issues raised, and justifying the decision finally reached. In Dr. Brach's case, this document is 6,000 words long (about the length of this article).

Was the verdict fair? It seems pretty clearly a compromise, acknowledging the principle that one must obey the law, even in trying circumstances, but applying a very mild punishment to Dr. Brach. An American court might have completely exonerated Brach (assuming the case even came to trial), but perhaps we are more tolerant of vigilantes than other countries. Given the circumstances--the case was decided just 14 years after Germany had emerged from a lawless, militaristic dictatorship--the verdict may well have been just.

But even those who have misgivings about it would probably agree that the German system provided certain benefits for Dr. Brach. The trial was short, and he and his family were spared hours of unpleasant cross-examination. Nor were they kept long in suspense waiting for a verdict. Most important, the doctor presumably was spared the kind of staggering bills he could have expected in our system. He had no need to employ specialists to help select a jury, nor did he have to hire experts to testify on his behalf. Moreover, given the shortness of the trial and the limited role of lawyers in the German system, he probably paid his lawyer much less than an American defendant would have. And if he had

won the case, the state would have paid his legal bills.

Which System is Best?

It's impossible in a short article to go over every point of difference between the two systems, but here are a few of the major arguments in favor of German procedures. (Readers interested in the whole story couldn't do better than consult John Langbein's book, **Comparative Criminal Procedure: Germany**, a thorough, thought-provoking, and very well-written examination of the German system. It's the basis of much of the rest of this article.)

Fact Finding. American lawyers have an almost mystical faith in the ability of an adversarial trial to bring out the truth. They believe that rigorous direct and cross-examination by top-flight lawyers will uncover all sides of the story, unearth every relevant detail.

But does reality live up to myths? Judge Jerome Frank, a strong critic of the adversarial process, argues that the adversarial system is an artificial one that can very easily obscure sober fact finding.

For example, our system of direct examination and cross-examination is a sure fire way to make any witness -- even the most truthful -- uncertain and ill-at-ease. As one witness said, "I want to tell the truth, but every time I try some lawyer objects." In case witnesses aren't traumatized enough, handbooks for lawyers suggest all sorts of techniques to unsettle hostile witnesses, minimize the effect of their testimony, and make them seem evasive. According to Judge Learned Hand, "About trials hang a suspicion of trickery and a sense of victory depending upon cajolery or worse."

As Judge Frank points out, in every case, at least one party is supremely interested in misrepresenting, exaggerating, or suppressing the truth. And there may be cases in which neither side has an interest in the full truth coming out. In the trial of the Watergate burglars, for example, the defense wanted to treat the whole thing as a minor break-in and get it over as soon as possible. The prosecution, naturally enough, was interested in convicting the men actually on trial rather than conducting a wide-ranging inquiry into the whole case. The truth did come out, thanks to some vigorous questioning from the bench by Judge Sirica. But in taking upon himself the task of questioning the defendants, Judge Sirica was abandoning the passivity usually associated with judges in our system and was, in fact, behaving much more like the presiding judge in a continental trial.

American judges are usually like umpires in a ball game or referees in a fight. They are there to ensure that the rules are obeyed and the contest fair, but it's the contestants who determine the result. German judges get into the action. They have the duty of independent investigation and must satisfy themselves of the justness of the result. Therefore, they conduct a trial in all cases, even when the defendant confesses. Thus the guilty plea, which ends so many proceedings here, really has no counterpart in the German system. The German court will conduct its own inquiry, even in seemingly open and shut cases, until it is satisfied that justice has been done.

Part of its concern for the whole story is shown in the way it questions witnesses. Another example is its willingness to consider issues not raised by either side. In the case of Dr. Brach, the German court took it upon itself to consider two possible defenses that were not raised by the defendant and his counsel: that Brach acted either in self-defense or under duress. Though the court eventually determined that neither defense was justification for his act, the judge no doubt felt that they had to consider these defenses to fully canvass the case and consider every relevant aspect.

"Professional" Judges and Prosecutors. Our judges are almost invariably veteran lawyers who were appointed or elected after years of private practice. In Germany, however, lawyers can spend their whole career on the bench. They do not enter the judiciary from private practice, but rather choose a judicial career upon finishing a two-year apprenticeship after their university legal training. Appointments to the judiciary are by merit, and since judicial posts are prestigious, the ministry of justice can fill most vacancies from the top of the class. After a probationary period of three or four years, judges with satisfactory records are promoted to life tenure.

Prosecutors are also career civil servants. In our country, state's attorneys and attorneys general are usually elected, often after they have had a career in private practice. Moreover, many subordinates in these offices are political appointees rather than civil servants. In Germany, however, prosecutors generally have chosen their career after their apprenticeship and usually hope to follow it for life.

Clearly, the German system are some advantages. Judges and prosecutors don't have to worry about re-election, and so can concentrate on delivering justice, even in the most sensational cases. Moreover, they are specifically trained for their jobs, which they expect to perfect over a lifetime of service.

Some Other Advantages?

The Role of Laypeople. In his book on German criminal procedure John Langbein writes that "the jury system lies at the root of much of the dissatisfaction with common law criminal procedures. We select, inform, control, and review juries in ways that have become ever more complicated, time-consuming and expensive." Since jury trials are unwieldy they are used less and less often here. Instead, plea bargaining disposes of a great majority of cases, in ways that may have nothing to do with justice.

Yet despite the many difficulties with making the jury system work, American lawyers and judges think that it is essential as a means of involving the general public in the legal process. Without juries, they reason, the law would seem imposed on the people by an elite, professional cadre, rather then a democratic institution in which lay people play a key role.

The German system of lay judges may be a compromise worth trying, a way of integrating lay people into the process without running into all of the complications and expense of the jury system. There are many levels of courts in Germany, each with varying proportions of lay and professional judges, though in almost all courts the lay judges are in the majority. As the Brach case shows, the lay judges sit in judgment with their professional colleagues.

Lay judges serve 12 days a year. Like American jurors, they receive a modest salary for their days of service. The court in which they will serve and the days on which they will serve are determined by public drawing of lots.

The German system of assigning jurors avoids most of the expense and delay of the American system. In Germany, lawyers have to accept whichever lay judge is assigned randomly to the case, except in very narrow circumstance, as when a lay judge is a victim or witness in the case, or is related by blood or marriage to the victim or accused.

Another advantage of the German system is that lay judges have more opportunity to become involved in the truth-seeking process. Jurors almost never are permitted to ask questions of witnesses, but lay judges have the same questioning privilege as their professional counterparts.

The German system also avoids another difficulty with the Anglo-American system. As an American jurist has pointed out, "juries have the disadvantage... of being treated like children while the testimony is going on, but then being dosed with a kettleful of law during the [judge's]

charge that would make a third-year law student blanch." After the charge, they must deliberate alone, generally without guidance from the judge.

In contrast, German lay and professional judges deliberate together. Therefore, the professionals are well placed to answer questions about what degree of proof is necessary and how possible factual doubts might be handled.

Speedy Trials. By Anglo-American standards, German trials are very rapid. One study showed that almost half of the criminal trials last approximately two hours. Similarly, deliberations about the verdict and sentence don't take long, lasting about an hour for each day of the trial. (These figures don't take into account the lengthy statement of reasons drafted by the professional judges after the verdict has been announced.)

Plea Bargaining. Langbein calls Germany "the land without plea bargaining." In America, prosecutors bargain over pleas because their office and the courts are overwhelmed with cases. Langbein and others assert the German system still works, permitting a thorough investigation and full-fledged trial in all cases.

Besides, they say German prosecutors couldn't plea bargain if they wanted to. Unlike their American counterparts, who have full authority to modify or drop charges, German prosecutors are required by law to prosecute all cases for which there is sufficient evidence. And they have no inducement to bargain even if they could, since all cases (even ones involving guilty pleas) go to trial, and the trials are brief in any event.

The Other Side of It

Defenders of the Anglo-American system dispute every one of these claims. As for fact finding, they point out that questioning by the police and prosecutors forms the basis of the accused's **dossier**, and thus forms the basis of the judge's questioning at the trial. Since police and prosecutors are concerned with building a case against the defendant, many think this stacks the deck unfairly.

Continental judges and prosecutors may lack the wide experience that their American counterparts have. Moreover, they may see themselves first and foremost as bureaucrats, answerable to their superiors, rather than as members of the community who have a wide and varied experience with life as it is actually lived. As one critic puts it, "Both judge and prosecutor tend to become bureaucratic, bookish, and authoritarian-minded.... In the judiciary as in other bureaucracies, conformity and industry offer the royal road to success."

The Germans may be able to select lay judges much more quickly than Americans, but there is also the possibility that lay judges with bias will wind up judging cases. A more serious objection to the lay judge system, however, is not that the lay judges have too much influence but that they have too little. In the vast majority of cases, lay judges follow the lead of their professional colleagues. One study shows that lay judges outvote professional judges in only 1.4% of all cases. (Compare this with an American study which shows that our juries arrive at a verdict that is different from that of the presiding judge in 22% of cases.)

No one disputes that German trials are brief, but critics point out that pretrial investigation is time-consuming and trials often occur months or even years after the incident. Therefore, they argue that there is not much overall saving in time. A non-adversarial system is probably less expensive for a defendant, but it might well be more expensive for the state, which has to pay for more judges and courtrooms. Reimbursing successful defendants for their legal costs would add more to the state's bills.

Though Americans are fed up with our criminal justice system, public opinion may not be ready to adopt a nonadversarial alternative. The continental system relies heavily on agency of government, such as the judiciary and the prosecutor's office, to deliver justice. Someone accused of a crime really can't do very much to protect himself. He must hope, rather, that the state's fact finding will reveal the truth and clear him.

Unripe for Change?

But a system that calls for more reliance on government and less on the individual is struggling against a strong tide of conservatism in this country. With more and more of our people becoming suspicious of government and "bloated" bureaucracy, the climate of opinion seems hardly ripe for adopting a system which presupposes a caring, efficient government and downplays the role of the individual.

Moreover, lawyers and judges on the Continent have long had a great respect for Anglo-American procedure, and credit it with serving as the model for many improvements in their system. Thanks in part to our Constitution and Bill of Rights, revolutionary zeal on the Continent led to many reforms in the 12th Century that did away with the practice of "trying" defendants strictly on the basis of their **dossier**, often in courts where they were not present or even represented by a lawyer. Among the procedures Europeans have borrowed from us are notice of charges, availability of defense counsel, lay participation in the trial process, and the principle that all evidence, even if it is already in the **dossier**, must be established at trial through testimony of witnesses.

Some German jurists are still dissatisfied with their system and look to ours as a source of reform. For example, German Appeals Court Judge Hans-Heinrich Jescheck notes that because judges do so much, lawyers often come to court unprepared. He adds that critics in Germany claim that the judge's predominance is "a relic from the time of the old inquisitorial trial" and question whether judges can truly be fair toward defendants.

Among Judge Jescheck's remedies are--surprise--"Germany should move toward an adversary process, because cross-examination appears to be a psychologically preferable method of extracting the truth, "and should follow our lead and break the trial into two parts, one to determine guilt and the other to impose sentence.

Maybe the grass is always greener on the other side of the fence. Perhaps the German system looks good because there have been relatively few studies of it, so that we assume that it really works like it's supposed to, contrasting it with the imperfections of our system, which we know all too well.

Where to Go From Here

Given the reality, of course, our country won't move quickly towards a nonadversarial system. Half a million lawyers in this country have been brought up in an adversarial system, and that system is deeply embedded in our common law heritage. But that doesn't mean that we can't adopt some aspects of the continental system, at least on a pilot basis. The continental system itself is a mixed one (an overlay of common law protections on the inquisitorial system), and there is no fundamental reason why our adversarial system cannot be enriched with some reforms from the Continent.

For example, as law professor Abraham Goldstein has suggested in the **Stanford Law Review**, American judges could become more active, commenting on the evidence, requiring witnesses to be summoned even when counsel did not call them, appointing experts, and even suggesting a defense to counsel.

Judges could take a more active role in overseeing police practices. In theory, judges are supposed to exercise this control by their power to grant or deny arrest and search warrants, but in practice most judges routinely accede to what the police ask for.

Judges also could be more active in putting limits on plea bargaining. They could refuse to accept pleas unless they were sure that the defendant had not been coerced and that the public interest had not been too casually bargained away by prosecutors. They could take a closer look at the facts underlying guilty pleas and the appropriateness of the charge and the proposed sentence.

Plea bargaining could be attacked in other ways as well. For example, American prosecutors have almost unlimited discretion to bring or to drop charges. Perhaps some of this discretion should be taken from them. There are other ways of relieving the overload. In Europe, for example, substantially fewer acts are declared punishable by law.

We might also experiment with lay judges. Vermont's county courts have been mixed tribunals for many years. In these courts, a professional judge is joined by two lay judges elected by the voters. This role for lay people dates back to concern that the circuit judge, representing state power, would impinge on the customs of local communities. Their position is guaranteed by the Vermont constitution. A variety of experiments in other states might come up with new ways of involving lay people without running into the delay and expense of lengthy jury selection.

These are but a few of the possible borrowings. Americans are becoming convinced that something has to be done about the criminal justice system, but it remains to be seen whether their concern will lead to fundamental changes in how justice is done. If reform does come, however, don't be surprised if it comes from this old rival of the adversary system.

Fighting Over the Adversary System

Recent interest in the continental system has sparked a lively debate on the virtue and defects of nonadversarial procedure. The best single book on the subject is John Langbein's **Comparative Criminal Procedure: Germany** (St. Paul, MN: West Publishing Company, 1977). This book is so well written that, though intended for law students, it can serve as a text for bright secondary school students. Langbein goes through the nonadversarial procedure carefully, contrasting it with ours at every point and using thought-provoking questions as the central teaching tool.

Sybille Bedford's **The Faces of Justice: A Traveler's Report** (New York: Simon and Schuster, 1966) could also serve as classroom material. It covers more than a dozen cases, in five European countries, all of them reported with a novelist's eye for telling detail and human emotion.

Jerome Frank's **Courts on Trial: Myth and Reality in American Justice** (Princeton, NJ: Princeton University Press, 1950) is still the classic critique of the adversary system. See especially Chapter VI, "The 'Fight' Theory Versus the 'Truth' Theory."

Much of the debate over the nonadversarial system has been fought in the usually musty page of law journals. Favorable accounts of European procedure are found in John Langbein's "Land Without Plea Bargaining: How the Germans Do It" (**Michigan Law Review**, Vol. 78, No. 2, December 1979) and "Continental Criminal Procedure: 'Myth' and 'Reality'" (**Yale Law Journal**, Vol. 87, No. 8, July 1978).

Critiques of the European system can be found in Abraham Goldstein and Martin Marcus, "The Myth of Judicial Supervision in Three "Inquisitorial" Systems: France, Italy, and Germany" (**Yale Law Journal**, Vol. 87, No. 2, December 1977) and "Comment on Continental Criminal Procedure" (**Yale Law Journal**, Vol. 87, No. 8, July 1978). For the critique of a German jurist, see Hans-Heinrich Jescheck's "Principles of German Criminal Procedure in Comparison with American Law" (**Virginia Law Review**, Vol. 56, No. 2, March 1970).

For balanced accounts of the two systems, which suggest modest changes in American procedure, see Gerhard O. W. Mueller and Fre Le Poole-Griffiths, **Comparative Criminal Procedure** (New York, University Press, 1969); Jan Stepan, "Possible Lessons from Continental Procedure" in Simon Rottenberg (ed.) **The Economics Crime and Punishment** (Washington, DC: American Enterprise Institute for Public Policy Research, 1973), and Abraham Goldstein, "Reflections on Two Motels: Inquisitorial Themes in American Criminal Procedure" (**Stanford Law Review**, Vol. 26, No. 5, May 1974).

For more on the adversarial and inquisitorial systems, see Rene David and John E.C. Brierley, **Major Legal Systems in the World Today: An Introduction to the Comparative Study of Law** (London: The Free Press, 1968) and Marian Neef and Stuart Nagel, "The Adversary Nature of the American Legal System from a Historical Perspective" (**New York Law Forum**, vol. 20, page 123 [1974]).

For a political science perspective on courts, see Sheldon Goldman and Austin Sarat (eds.), **American Court Systems: Readings in Judicial Process** and Behavior (San Francisco: W. H. Freeman & Company, 1978) and Martin Shapiro, "Court" in Fred Greenstein and Nelson W. Polsby (eds.), **Governmental Institutions and Processes** (Reading, Mass.: Addison--Wesley Publishing Company, 1975).

HANDOUT #1 **DISPUTE RESOLUTION**

COMPARISON	NEGOTIATION	MEDIATION	ARBITRATION	ADJUDICATION
PARTIES' INVOLVEMENT	BOTH PARTIES AGREE TO PARTICIPATE	AGREEMENT OR CONTRACT	BOTH PARTIES AGREE TO ENTER INTO PROCESS	VOLUNTARY BY PLAINTIFF; INVOLUNTARY BY DEFENDANT.
TYPE OF PROCESS	INFORMAL AND UNSTRUCTURED; EACH SIDE MAY HAVE SOMEONE TO REPRESENT THEIR INTERESTS.	INFORMAL & INVOLVES A THIRD PARTY; PROBLEM-SOLVING APPROACH. PRIVATE PROCEEDING	FORMAL BUT LESS STRUCTURE THAN TRIAL. ADVERSARIAL. PRIVATE.	FORMAL & RIGID WITH RULES OF EVIDENCE. ADVERSARIAL. PUBLIC PROCESS. MATTER OF RECORD
ROLE OF THIRD PARTY	DON'T HAVE	MEDIATOR IS FACILATATOR-SUGGESTS POSSIBLE COMMON AREAS OF POSSIBLE AGREEMENT.	ARBITRATOR HEARS BOTH SIDES, AND MAKES A DECISION - MAY BE BINDING ON BOTH SIDES	JUDGE OR JURY IS FACT FINDER AND DECISION-MAKER.
END RESULT	SETTLEMENT REFLECTS COMPROMISE ON BOTH SIDES; IF NO AGREEMENT CAN BE REACHED THROUGH THIS PROCEDURE, MOVE TO MEDIATION OR ARBITRATION, OR ADJUDICATION	MUTUALLY ACCEPTABLE AGREEMENT & IT BECOMES PART OF THE CONTRACT.	THIRD PARTY DECISION IS MOST OFTEN BINDING ON BOTH PARTIES, AND MIGHT BE CHAL-LENGED IN COURT; MAY BE A COMPRO-MISE, BUT NOT ALWAYS	WIN/LOSE. BINDING, BUT CAN BE APPEALED.

THE ADVERSARY VS. THE NON-ADVERSARY SYSTEM OF JUSTICE		
AREA OF COMPARISON	**ADVERSARY SYSTEM**	**NON-ADVERSARY SYSTEM**
1. FACT FINDING. **A. BY WHOM** **B. WHEN**	(A) BY VIGOROUS DIRECT AND CROSS-EXAMINATION BY PROSECUTOR AND DEFENSE ATTORNEY. (B) IN FRONT OF AN IMPARTIAL JURY OR JUDGE.	(A) BY A THOROUGH INVESTIGATION BY THE JUDGE AND PROSECUTOR WHO MUST MAKE AN INDEPENDENT STUDY EVEN WHEN THE DEFENDANT PLEADS GUILTY. (B) BEFORE THE CASE COMES TO TRIAL.
2. JUDGES **A. HOW CHOSEN** **B. FUNCTION** **C. BACKGROUND**	(A) FEDERAL LEVEL: PRESIDENTIAL APPOINTMENT FOR LIFE STATE LEVEL: ELECTION OR APPOINTMENT OR COMBINATION OF ELECTION OR APPOINTMENT. (B) PRESIDE AND DECIDE QUESTIONS OF LAW-KEEP ORDER. (C) COME FROM PRIVATE PRACTICE, WHERE THEY HAVE BEEN EITHER PROSECUTORS OR DEFENSE COUNSEL.	(A) AFTER UNIVERSITY LEGAL TRAINING, THEY CHOOSE A JUDICIAL CAREER AND AFTER FINISHING A 2 YR. APPRENTICESHIP, THEY ARE APPOINTED BY THE MINISTRY OF JUSTICE (TOP OF THE CLASS) 3-4 YR. PROBATIONARY PERIOD - PROMOTED TO LIFE TENURE. (B) THEY CONDUCT THEIR OWN INQUIRES & CONDUCT QUESTIONING UNTIL THEY FEEL JUSTICE IS DONE. (C) PROFESSIONAL CAREER JUDGES TRAINED FOR JUDICIAL ROLE
3. PROSECUTORS' & DEFENSE ATTORNEYS' ROLES	(A) USUALLY ELECTED AFTER THEY HAVE A CAREER IN PRIVATE PRACTICE. (B) PRIVATE PRACTICE AFTER GRADUATION FROM LAW SCHOOL. (C) CONDUCT VIGOROUS DIRECT AND CROSS-EXAM, AND ARE THE MAIN QUESTIONERS.	(A) CAREER PROFESSIONALS - EXPECTED TO REMAIN FOR LIFE. (B) LAW SCHOOL TRAINING (C) BOTH PROSECUTION AND DEFENSE ASK SUPPLEMENTARY QUESTIONS TO THOSE OF THE JUDGE.
4. ROLE OF LAY PEOPLE **(A) HOW CHOSEN** **(B) ROLE** **(C) PROCEDURES**	(A) JURORS, CHOSEN AT RANDOM (B) MUST SUBMIT TO VOIR DIRE BY ATTORNEYS, AND BE ACCEPTED BY BOTH SIDES. (C) DECIDE QUESTIONS OF FACT, AND DECIDE GUILT OR INNOCENCE. REACH VERDICT BY UNANIMOUS VOTE OF THE 12 JURORS.	(A) LAY JUDGES WHO SIT WITH PROFESSIONAL JUDGES, LAY JUDGES ARE IN THE MAJORITY (B) LAWYERS MUST ACCEPT WHATEVER LAY JUDGES ARE ASSIGNED RANDOMLY TO THE CASE. (C) CAN ASK QUESTIONS, AND DELIBERATE UNDER THE DIRECTION OF THE PROFESSIONAL JUDGE. VERDICT - UNANIMOUS VOTE OF LAY JUDGES.
5. PLEA BARGAINING	(A) USED TO SETTLE 85-90% OF CRIMINAL CASES.	(A) NONE. NO INDUCEMENTS TO PLEA-BARGAIN SINCE ALL CASES GO TO TRIAL, EVEN IF DEFENDANT PLEADS GUILTY.
6. SPEEDY TRIALS **(A) BEFORE TRIAL** **(B) TRIAL ITSELF**	(A) CAN RANGE FROM 4 MONTHS TO 1 1/2 YEARS. (B) TRIALS CAN TAKE DAYS, WEEKS, MONTHS.	(A) PRE-TRIAL: MONTHS & SOMETIMES YEARS (B) TRIALS - ABOUT 2 HRS. (ANNOUNCED DECISIONS TAKE LONGER – LENGTHY OPINIONS/JUDGE.)
7. COSTS: **(A) FOR ATTORNEYS** **(B) FOR TRIAL**	(A) RIGHT TO COUNSEL, IF TOO POOR. RIGHT TO COURT-APPOINTED ATTORNEY. (B) EXPENSIVE. LAWYERS FEES MUST BE PAID BY INDIVIDUAL EVEN IF YOU WIN YOUR CASE	(A) DEFENDANT PAYS FOR ATTORNEY, BUT IF THE STATE LOSES, IT PAYS DEFENSE COSTS. (B) TRIALS ARE SHORTER. ROLE OF LAWYERS LESS SO COST IS LESS. IF DEFENDANT LOSES HE/SHE PAYS COST OF PROSECUTION.

[HANDOUT #2, OPTION #1]	THE ADVERSARY VS. THE NON-ADVERSARY SYSTEM OF JUSTICE	
AREA OF COMPARISON	**ADVERSARY SYSTEM**	**NON-ADVERSARY SYSTEM**
1. FACT FINDING. **A. BY WHOM** **B. WHEN**	(A) (B)	(A) (B)
2. JUDGES **A. HOW CHOSEN** **B. FUNCTION** **C. BACKGROUND**	(A) FEDERAL LEVEL: STATE LEVEL: (B) (C)	(A) (B) (C)
3. PROSECUTORS' & DEFENSE ATTORNEYS' ROLES	(A) (B) (C)	(A) (B) (C)
4. ROLE OF LAY PEOPLE **(A) HOW CHOSEN** **(B) ROLE** **(C) PROCEDURES**	(A) (B) (C)	(A) (B) (C)
5. PLEA BARGAINING	(A)	(A)
6. SPEEDY TRIALS **(A) BEFORE TRIAL** **(B) TRIAL ITSELF**	(A) (B)	(A) (B)
7. COSTS: **(A) FOR ATTORNEYS** **(B) FOR TRIAL**	(A) (B)	(A) (B)

[HANDOUT #2, OPTION #2] THE ADVERSARY VS. THE NON-ADVERSARY SYSTEM OF JUSTICE		
AREA OF COMPARISON	**ADVERSARY SYSTEM**	**NON-ADVERSARY SYSTEM**
1. FACT FINDING. **A. BY WHOM** **B. WHEN**	(A) (B)	(A) BY A THOROUGH INVESTIGATION BY THE JUDGE AND PROSECUTOR WHO MUST MAKE AN INDEPENDENT STUDY EVEN WHEN THE DEFENDANT PLEADS GUILTY. (B) BEFORE THE CASE COMES TO TRIAL.
2. JUDGES **A. HOW CHOSEN** **B. FUNCTION** **C. BACKGROUND**	(A) FEDERAL LEVEL: STATE LEVEL: (B) (C)	(A) AFTER UNIVERSITY LEGAL TRAINING, THEY CHOOSE A JUDICIAL CAREER AND AFTER FINISHING A 2 YR. APPRENTICESHIP, THEY ARE APPOINTED BY THE MINISTRY OF JUSTICE (TOP OF THE CLASS) 3-4 YR. PROBATIONARY PERIOD - PROMOTED TO LIFE TENURE. (B) THEY CONDUCT THEIR OWN INQUIRES & CONDUCT QUESTIONING UNTIL THEY FEEL JUSTICE IS DONE. (C) PROFESSIONAL CAREER JUDGES TRAINED FOR JUDICIAL ROLE
3. PROSECUTORS' & DEFENSE ATTORNEYS' ROLES	(A) (B) (C)	(A) CAREER PROFESSIONALS - EXPECTED TO REMAIN FOR LIFE. (B) LAW SCHOOL TRAINING (C) BOTH PROSECUTION AND DEFENSE ASK SUPPLEMENTARY QUESTIONS TO THOSE OF THE JUDGE.
4. ROLE OF LAY PEOPLE **(A) HOW CHOSEN** **(B) ROLE** **(C) PROCEDURES**	(A) (B) (C)	(A) LAY JUDGES WHO SIT WITH PROFESSIONAL JUDGES, LAY JUDGES ARE IN THE MAJORITY (B) LAWYERS MUST ACCEPT WHATEVER LAY JUDGES ARE ASSIGNED RANDOMLY TO THE CASE. (C) CAN ASK QUESTIONS, AND DELIBERATE UNDER THE DIRECTION OF THE PROFESSIONAL JUDGE. VERDICT - UNANIMOUS VOTE OF LAY JUDGES.
5. PLEA BARGAINING	(A)	(A) NONE. NO INDUCEMENTS TO PLEA-BARGAIN SINCE ALL CASES GO TO TRIAL, EVEN IF DEFENDANT PLEADS GUILTY.
6. SPEEDY TRIALS **(A) BEFORE TRIAL** **(B) TRIAL ITSELF**	(A) (B)	(A) PRE-TRIAL: MONTHS & SOMETIMES YEARS (B) TRIALS - ABOUT 2 HRS. (ANNOUNCED DECISIONS TAKE LONGER – LENGTHY OPINIONS/JUDGE.)
7. COSTS: **(A) FOR ATTORNEYS** **(B) FOR TRIAL**	(A) (B)	(A) DEFENDANT PAYS FOR ATTORNEY, BUT IF THE STATE LOSES, IT PAYS DEFENSE COSTS. (B) TRIALS ARE SHORTER. ROLE OF LAWYERS LESS SO COST IS LESS. IF DEFENDANT LOSES HE/SHE PAYS COST OF PROSECUTION.

Comparing the Laws of Hammurabi with the Greek Laws of Solon: Case Studies

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GOALS
Through the case method approach, students will compare and contrast Hammurabi's Code with the Greek Laws of Solon. In the process, they will learn about ancient Babylonian and Greek societies and their justice systems.

AUDIENCE
Grades 7, 8, and 9.

TIME TO COMPLETE
Four to five days.

MATERIALS
Four handouts.

PROCEDURE

Day One
Go over the background materials. Hand out the "Background: Time of Hammurabi" and "Background: Time of Solon." Read over the materials and discuss the times being considered with the class. You may want more background material. This is up to individual discretion. This should take approximately one class period with most Junior High groups. Discuss with the class the similarities between Hammurabi's Code and Solon's Laws. How had things changed by the time of Solon?

Day Two
Discuss "Laws of Hammurabi" and "Laws of Solon." Hand out the two lists of laws to students at the beginning of the class. Allow five minutes for them to read through the two lists and to form some thoughts on them. Some students will have some immediate comments and reactions. Try to get them to save them for the class discussion. Go through each law on the two lists with the class and interpret it literally. Ask the class the following questions:

- What does the law mean?
- Does this law seem fair to you?
- What do you object to about this law?
- Why would this law have been appropriate when it was written?
- What does this law tell you about ancient Mesopotamia/Greece?

Be sure to discuss each of the laws on the list with these five questions, as it will be necessary for the students to develop some basic hypotheses for the remainder of the lessons.

Listed below are some suggested conclusions that students should derive from the information available in the laws.

- Babylonians raised and rented oxen.
- Babylonians practiced irrigation.
- Babylonians felt each farmer should be responsible for keeping his own ditches and canals in order.
- Babylonians thought grain was valuable and used it to repay injuries.
- Babylonians had doctors who performed operations.
- In Babylonia, the father had control of all family members.
- Babylonians believed in witchcraft.
- Babylonians required proof of magical acts.
- Babylonians practiced the death penalty.
- Babylonians valued individual reputations.
- Babylonians believed fathers were more important than their sons.
- Babylonians practiced lending and borrowing.
- In ancient Mesopotamia silver was measured in minas.
- Babylonians knew how to build and use boats.
- In ancient Mesopotamia, grain was more valuable than silver, because the interest was higher.
- The Babylonian government was run by officials.
- Babylonians traded in corn, wool, and dates.
- Babylonians valued obedience to fathers, and punished disobedience severely.
- In Babylon, both men and women could own property and hold positions of power.
- In ancient Mesopotamia the father's authority was not to be questioned.
- Babylonian people could individually own property.

(See how many other factors can be derived about ancient Babylon from Hammurabi's Code through careful interpretation of the laws.)

Below are some conclusions that can be derived about ancient Athens from Solon's laws.

- If a person was killed the family of the victim had the right to kill the person who killed the family member.
- The Greeks were aware of pollution and the damage it causes.
- The Greeks believed that a person was responsible for his or her own actions.
- The Greeks felt that a person's reputation should be defended.
- The Greeks felt it was important for everyone to have a job.
- The Greeks did not approve of lazy behavior.
- The Athenians were a seagoing people.
- The Greeks knew how to build and sail boats.
- The Greeks traded with other people.
- The Greeks had a system of money.
- The Greeks valued military service.
- The Greeks felt that loyalty to ones city-state was important.
- The Greeks did not treat men and women equally.
- The Greeks felt treason was a very great crime.
- The Greeks valued the position of the government in society.

(Students should be able to derive an extensive list of conclusions about Greek society from the laws listed.)

These lists can be made as a class activity or the class can be divided into two groups. If you choose to use groups, give each group one of the lists. Assign Group One Hammurabi's Code and ask them to make a list of as many characteristics of life in ancient Mesopotamia that they can infer from Hammurabi's Code. Tell them they must come up with a minimum of 25 statements. Assign Group Two Solon's Laws. Have them make a list of characteristics of life in ancient Greece. Tell them they must come up with a minimum of 25 statements. This should take all of one class period, and it may be necessary to spend the first part of day three to finish the lists in the groups.

Day Three
Have the students remain in the same group divisions as on Day Two. Have the students in Group One read one of their statements about Babylon. Have the students in Group Two read about ancient Greece. The teacher should transcribe the statements onto the board or on an overhead. It might be helpful to collect the lists at the end of Day Two so that you can put the lists on transparencies, or you might want to have the students make their lists on transparencies to begin with. This might create enthusiasm and save time on Day Three. After going through the two lists, have the students make some observations about the similarities and differences between Hammurabi's kingdom and Solon's Greece. Have them hypothesize which had the better way of life or which time and place they would prefer to live in. It might be important to point out the greater freedom and rights of women under Hammurabi. They might conjecture about why women had fewer rights under Solon. Another area you should try to help them see is the changes in the role of government and its structure. This activity with the various discussions involved will easily take the entire class period.

Day Four
Divide the class into four groups. Each group should have a copy of the excerpts from Hammurabi's Code and Solon's Laws as well as the background information. Try to divide the groups heterogeneously with at least one leader type in each group.

Give each group one of the cases (Handout #4). Each group is going to judge the case in three courts: first as an official in Hammurabi's society, second as an official in Solon's time, and finally they will discuss how they believe the case would be decided in our society. Each group will be asked to report their decisions to the class.

Allow about fifteen minutes, five minutes for each court's discussion. Then have one person in each group explain what their case entailed and the circumstances involved. Have a second person explain the decision as determined by Hammurabi. Then have a third person explain the decision as determined by Solon. Finally have a fourth person from the group explain how they believe the case would be handled if it were in the USA at the present time.

Repeat this process for each of the four groups. (It may be necessary to use two days for the completion of this activity.)

You may want to make up additional cases yourself if you have a large class and want everyone to have an active role. If you do this, you can have as many groups of four as you have cases and/or students for.

HANDOUT #1
BACKGROUND: TIME OF HAMMURABI

In the time of Hammurabi, in the land of Mesopotamia, individuals had begun to think of the tools they used, the crops they harvested and the land they worked as their own, not their gods as had been believed in the earlier times of Mesopotamia. As this belief of personal ownership expanded, people who owned "extra" spices, cloth, livestock, or weapons began to trade their surplus products for goods they did not have. This was the beginning of the barter system.

BARTER: Goods of equal value are exchanged without the use of money.
When Hammurabi gained power about 1792 B.C. the people of Mesopotamia had come to rely heavily on this system of barter in order to maintain their economy. Individuals bartered with each other in their own city-states, with the citizens of other city-states; and they had even begun trading with people in distant lands.

CITY-STATE: A city that governs itself, has its own laws, army, etc., and operates like a nation today. Mesopotamia was located in the land between the Tigris and Euphrates Rivers in what is now Iraq. When Hammurabi came to power the people of Mesopotamia had a very strong belief that justice is done when a person who causes an injury is punished by suffering the same injury. In policy, this is the old "eye for an eye, tooth for a tooth" concept that appears from early civilizations to the present. We call this idea of justice *lex talionis*.

LEX TALIONIS: The legal principle of "an eye for an eye." Laws based on this principle punish criminals by making them suffer exactly what their victims suffered. This idea of retribution has continued to influence laws until today, but in Hammurabi's day the principle was much stricter and applied in all areas of life. Originally, it meant that when one person did harm to another, the jured person could pay back the attacker by doing the same thing to him/her. By the time Hammurabi came to power the idea of *lex talionis* had changed. The first change was that the injured person or the family of the injured party was losing the right to punish the wrong doer. Slowly the responsibility to inflict punishment was becoming the job of the government. Another change was that people began to substitute payments of precious metals or property for the physical punishment.

The reasons for these changes are obvious. The government was the powerful central unit. It had more power than the individual family to capture the wrong doer and make sure he/she received the deserved punishment. When Hammurabi came to power and conquered all of Mesopotamia, he had the new job of unifying his kingdom and settling arguments between the various city-states. He did this in a number of different ways but what we consider to be most important was that he made all the city-states obey the same set of laws. Hammurabi had his laws written on clay and stone pillars and distributed throughout his empire so that everyone would know his laws and obey them.

Hammurabi's 282 laws were categorized:

The first group dealt with witchcraft, i.e., how witches should be tried, judged, and punished.

The second group of laws described different kinds of crimes like kidnapping, perjury and stealing. Crimes against property were harshly punished. The punishment for any kind of stealing and buying stolen property was death. Babylonian methods of execution were severe: drowning, burning, cutting off the head, and running a sharp stake through the criminal's body were most common.

The third group of laws dealt with trade. They described rules for trading, established prices and set standards of workmanship. People in all professions were told how to behave.

Hammurabi's Code addressed most every aspect of Babylonian society including marriage and families, lending and borrowing money, and irrigating fields. It was extremely important that all the people obeyed Hammurabi's laws. To help insure this Hammurabi included a description of what would happen to anyone who didn't respect his laws.

Almost all of Hammurabi's laws were written in the form "if such and such happens, in a particular way, then such and such will be done." Most of his laws were very specific. Hammurabi also believed nobles were more important than anyone else, so he had different laws for nobles, trade people, farmers, and slaves.

It is also obvious when reading Hammurabi's Code that he didn't have any concern for the rights of citizens. Very few laws protected people from the government. Hammurabi had government officials to help enforce his code. They listened to facts about cases of law-breaking and decided who was telling the truth. It was also their responsibility to make sure their judgments were carried out.

HANDOUT #2
SOME OF HAMMURABI'S LAWS

- If one man has accused another of laying a nertur, or death spell, upon him, but the charge has not been proved, the man making the accusation shall be put to death.
- If a son has struck his father, the son's hands shall be cut off.
- If a man has hired a boat and boatman and loaded the boat with corn, wool, oil, dates or anything else, and the boatman has been careless and sunk the boat, the boatman shall restore the boat and whatever was lost that was in it.
- If a man has stolen a child, he shall be put to death.
- If a slave has said to his master, "You are not my master," his master shall cut off his ear.
- If the wife of a man has been caught while lying with another man, they shall bind them and throw them into the water. If the husband of the woman wishes to spare his wife, then the king in turn may spare his subject.
- If a builder constructed a house for a man, but did not make his work strong, with the result that the house which he built collapsed and so has caused the death of the owner of the house, that builder shall be put to death.
- If a surgeon has opened an eye-infection with a bronze instrument and so saved the man's eye, he shall take ten shekels. If a surgeon has opened an eye infection with a bronze instrument and thereby destroyed the man's eye, they shall cut off his hand.
- If a man borrows silver, he must pay 20% interest in return. If a man borrows grain, he must pay 33 1/3% in interest.
- If a salesman fails to make a profit on the goods given him by a merchant, he must repay twice the amount.
- If a life has been lost, the city or district governor shall pay one mina of silver to the dead person's relatives.
- If a man owes a debt and has given his wife, his son, his daughter, or someone else as hostage for his debt, the hostage shall do work in the creditors' house. But in the fourth year, the creditor shall set the hostage free.

Source: Coral Suter and Marshall Croddy, *Of Codes and Crowns: The Development of Law*, "Hammurabi's Treasure: The Written Rule" (Constitutional Rights Foundation, Los Angeles, California).

HANDOUT #3
BACKGROUND: TIME OF SOLON AND SOME OF SOLON'S LAWS

According to tradition, an Athenian named Draco formulated the first law code for Athens in the seventh century B.C. His terms were very strict. An offense such as stealing a head of cabbage was punishable by death. Draco reasoned that any wrong, regardless of how insignificant, was serious.

Historically, Solon is credited to be the great lawgiver of Athens. He revoked all of Draco's laws except those concerning homicide. Solon also cancelled all debts, instituted a law forbidding any person from becoming a slave as a payment of debt. Solon's laws were inscribed on four-faced wooden blocks set into frames that acted as turntables. The purpose was to allow all people to read the laws.

The measures Solon enacted provided for both political and economic adjustments. The former included:

1. the establishment of a new council, the Council of Four Hundred, and the admission of the middle classes to membership in it;

2. the enfranchisement of the lower classes by making them eligible for service in the assembly; and

3. the organization of a final court of appeals in criminal cases, open to all citizens and elected by universal manhood suffrage. The economic reforms benefited the poor farmers by cancelling existing mortgages, prohibiting enslavement for debt in the future, and limiting the amount of land any one individual could own.

Solon attracted foreign craftsmen to Athens, where they were promised citizenship and he decreed that every man had to teach his son a trade. Then Solon passed legislation that admitted all citizens, even the poorest ones, to the Assembly. The admission of all citizens to the Assembly gave the average man a greater and more direct share in the government.

Obviously, the new rights which Solon gave to the popular courts and the democratic composition of the assembly gave much greater power to the common citizens than they had enjoyed when the judges were exclusively chosen from the rich and the well-born.

Some of Solon's Laws

- The relatives of a slain person had to seek their kinsman's murderer. The reason: murder polluted, and pollution could spread from the murderer to those whom he came in contact.

- If two people were involved in a fight, only the person who hit first was guilty. The penalty was a fine.

- Anyone who spoke ill of the dead was guilty of a crime. The penalty consisted of two fines: one to the dead person's heirs and another to the state treasury.

- It was an Athenian man's duty to support himself. The penalty for anyone who failed to prove he had an honest source of income was death.

- If a ferryman on the boat between the island of Salamis and the port of Athens on the mainland overturned his boat, even unintentionally, he was forever banned from being a ferryman.

- Any man who evaded military duty was guilty of a crime. The penalty was a loss of a citizen's right.

- Anyone convicted of betraying Athens or committing a treasonous act could not be buried in Attica and forfeited all property claims.

- Anyone convicted of tyranny and anyone who attempted to overthrow the government could be killed with impunity and have his property confiscated.

- A kyrios was a person legally responsible for a child or a woman. An Athenian woman was never independent but always had a kyrios. A child's kyrios was his father, grandfather, adult brother, or a guardian.

(Source: *Classical Calliope: The Muses Magazine for Youth, A Day in Court*, "Greek Law," Volume X, Number 1, January 1990, p. 6.)

HANDOUT #4: CASES

CASE 1

A young boy is playing with a ball in the yard. The ball rolls into the street. A car/chariot is coming down the street. Suddenly, the boy runs into the street to retrieve his ball. He steps directly in front of the car/chariot and is hit and killed/maimed. (First discuss the case as if the child were killed. Secondly, discuss the case as if the child were maimed for life.)

Determine who is the wrong doer and what justice would be under:

A. Hammurabi's Code
B. Solon's Law
C. Our Laws

CASE 2

Two boys and their father are working in the field. The younger boy is pushing the plow. The blade of the plow hits a rock and breaks. The father becomes insanely angry and begins to severely beat the younger boy. The older boy becomes alarmed with his father's behavior. He fears his father will kill his brother. The older boy hits his father over the head with a rock and knocks his father unconscious, thus saving his brother's life.

Determine who is the wrong doer and what justice would be under:

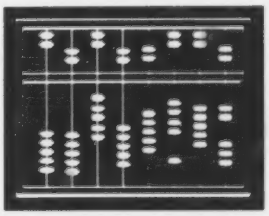
A. Hammurabi's Code
B. Solon's Law
C. Our Laws

CASE 3

A girl borrows a bicycle/chariot from a friend. She goes for a ride. She doesn't pay attention to where she is going and she runs into a tree and damages the bicycle.

Determine who is the wrong doer and what justice would be under:

A. Hammurabi's Code
B. Solon's Law
C. Our Laws



CASE 4

A young girl and her younger brothers and sister have been orphaned. There is no one to help care for them. The girl is much older than the little ones who are all under five. The girl is the sole support of her family. She is thirteen. The younger children are starving because there is no food. The older girl goes to the marketplace. She has no money so she grabs a loaf of bread and runs back to her home. She is apprehended by the merchant that she stole from and is brought to trial.

Determine who is the wrong doer and what justice would be under:

A. Hammurabi's Code
B. Solon's Law
C. Our Laws

Constitution Comparisons

Paul Pangrace
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OVERVIEW

Students will compare and contrast the U.S. Constitution with the basic tenets of the constitutions of Great Britain, France, Japan, and the Soviet Union.

GOALS

Students will demonstrate their familiarity with such concepts as change, decision-making, evaluation, traditions, and values.

By comparing the constitutions of different countries, they will become familiar with such terms as cabinet, coalition, council of ministers, Diet, House of Commons, House of Lords, judicial review, premier, presidium, prime minister, Supreme Soviet, and unwritten constitution.

AUDIENCE

Grades 11 and 12.

TIME TO COMPLETE

One or two class sessions.

MATERIALS

Copies of the learning activity, "Constitution Comparisons," for each student in the class.

PROCEDURE

1. Distribute copies of the activity to each student in the class. The activity includes four specific tasks:

   (a) Students will write a description of the U.S. Constitution similar to that included with the activity for the other countries. The description will include historical background, basic rights, governmental structure, and court system.

   (b) Students will construct a chart comparing the historical backgrounds, basic rights, governmental structures, and court systems of the five countries.

   (c) Students will describe specific similarities between the five constitutions.

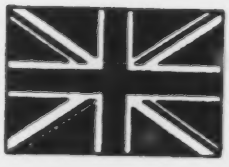
   (d) Students will describe specific differences between the documents.

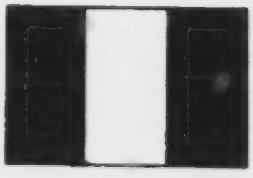
2. Have students complete it either individually or working in groups of three or four.

3. Conduct a whole class discussion by:

   (a) having selected students read their paragraphs concerning the U.S. Constitution, and

   (b) discussing student responses comparing and contrasting the documents.





LEARNING ACTIVITY:
CONSTITUTION COMPARISONS

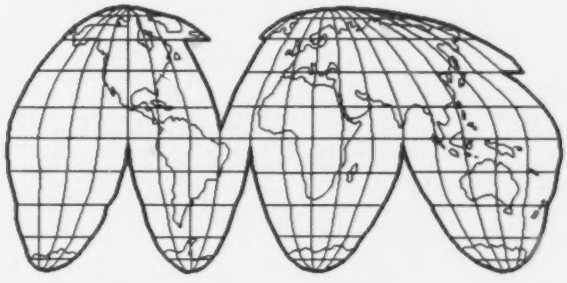
In this activity you will be introduced to some basic information concerning the constitutions of Great Britain, France, Japan, and The Union of Soviet Socialist Republics. As you read the descriptions, try to find common points as well as differences between them and with The Constitution of the United States.

1. Write a brief but complete description of the U.S. Constitution like those provided in this activity for Great Britain, France, Japan, and the Soviet Union. Be sure to include a) historical background, b) basic rights outlined, c) governmental structure, and d) court system.

2. Construct on your paper a chart with five headings across the top: United States, Great Britain, France, Japan, and the Soviet Union. Along the left side of the chart topics: Historical Background, Basic Rights, Governmental Structure, and Court System. Complete the chart based on the information contained in the readings and the paragraph you wrote in question 1 above.

3. What similarities do most if not all of the five constitutions contain? Be specific.

4. What differences do the documents have? Be specific.



GREAT BRITAIN

Great Britain has no formal constitutional document. The British refer to their plan of government as being an unwritten constitution. Portions of the governmental plan are based on historic documents as well as acts of Parliament. However, parts are also based on unwritten but longstanding customs and traditions.

Written aspects of this unwritten constitution are referred to as "Law of the Constitution" and consists of three different elements. Historic documents such as the Magna Carta (1215), the Petition of Right (1628), and the Bill of Rights (1689) compose the first portion. Acts of Parliament such as the 1969 Representation of People's Act which lowered the legal age for voting to eighteen compose the second portion. The final portion is composed of court decisions which have been created over centuries and which cover all aspects of life and are also referred to as common law.

The unwritten aspects are referred to as "Conventions of the Constitution". These deal with customs and practices of British politics which basically are done in a certain fashion because that is the way they have been done in the past. The organization of the British Parliament is a good example of this aspect.

The British Parliament consists of two houses, Lords and Commons. The House of Lords consists of 1100 members who sit because they inherited the seat due to family claim or because of a position they hold, such as Archbishop of Canterbury or Archbishop of York or as one of the bishops whose sees (official seat/center of authority/jurisdiction) are afforded a seat. This house has no legislative power. All the members can do is delay the passage of a law by refusing to approve it and thus making the House of Commons reconsider it. Nine of its members are called The Law Lords and serve as the final court of appeals for both civil and criminal cases. However, they do not have the power of judicial review. The House of Commons consists of 650 members, all popularly elected. The head of the government, the Prime Minister, is selected from this body by the majority party or by a coalition formed to make a majority of the members. The Prime Minister then selects the cabinet who are, for the most part, members of Commons. The Prime Minister and the cabinet are responsible to the Commons for their actions in running the British government.

Elections are not on a fixed schedule. An election must be held every five years if one has not been called earlier by the Prime Minister. It is the responsibility of the Prime Minister to call elections. An election earlier than five years from the previous one can occur when the Prime Minister receives a vote of no confidence from the Commons. This means that a major piece of legislation or a program championed by the Prime Minister and the majority party is defeated in the Commons. The Prime Minister then goes to the monarch and requests that the government be dissolved and elections be called. This same procedure is followed when the five year period runs out or whenever the Prime Minister feels that his or her party has a good chance of improving their majority in the Commons.

FRANCE

The current French constitution has been in effect since 1958. It represents the sixteenth such document since the French Revolution in 1789.

The governmental form in France is a parliamentary system with a premier and a strong president which is sometimes referred to as a mixed parliamentary/president system. The President of the French Republic is the only French official that is nationally elected. He appoints the premier and shares legislative power with the premier and the cabinet. The President serves as the Chief Executive for the government.

One unusual feature of the French Constitution gives the president the power to by-pass parliament by putting a proposed law he wishes passed to a vote of the French electorate. It becomes law if it is passed by such a vote. The constitution also gives the President of the French Republic the power to take any action deemed necessary in any situation that poses a grave and immediate danger to the French nation.

The French constitution can be amended as follows. The proposed amendment can be introduced by the President, the Premier, or any member of the Parliament. An amendment can also be introduced by a majority vote in each of the two houses of Parliament. Ratification of the proposed amendment is completed in one of the following manners: if the amendment was made by the Parliament, then the voters must pass it in a national referendum; if it was introduced by either the President or the Premier, then the President decides if it will be approved by the electorate or by a 3/5 majority vote of a joint meeting of the two houses of the Parliament.

JAPAN

The constitution of Japan states that the sovereign power rests with the electorate who vote a secret ballot. There is universal adult suffrage. The constitution contains a long list of basic freedoms including freedom of speech, press, religion, equality of the sexes, right to work, and the right to "maintain minimum standards of wholesome and cultural living". It also contains an anti-military clause that was introduced into it following World War II. It states that Japan "renounces war as a sovereign right of the nation".

The parliament of Japan is called the Diet and consists of two houses, the upper called the House of Councilors and the lower house called the House of Representatives. The power lies with the lower house by constitutional plan. The lower house has the power to force the Prime Minister to resign or dissolve the Parliament by a vote of no confidence. This house also makes treaties, raises revenue, and makes appropriations. The lower house can override a negative vote in the upper house on a bill by a 2/3 majority. The members of the Diet are elected from multi-seat districts. There are 511 members of the Diet and they represent 123 districts.

The Prime Minister represents the majority party or coalition in the Diet. He appoints the members of the cabinet, of which at least one-half must be members of the Diet. The Prime Minister must be a member of the Diet. He can dissolve the House of Representatives which results in an immediate election.

The Japanese judiciary is independent and has the right of judicial review. It has rarely ruled laws passed by the Diet as being unconstitutional. The Japanese legal system is based on Roman law and uses no juries.

SOVIET UNION

The current constitution of the Soviet Union was adopted in 1977. In this document are listed various rights such as freedom of speech and religion, and the economic right to free medical care. All rights listed in the document are tied to specific duties of all citizens such as the duty to perform military service and each citizen is to work in a "socially useful occupation". The constitution does have certain limits placed on the governmental plan such as all aims must be to build communism, to strengthen the socialistic system and tends to limit rights so as to meet the first two named goals. There are no institutions created in the constitution which place any limits on the power of the Communist Party, "the leading and guiding force of the Soviet society".

The governmental structure of the Soviet Union as outlined in the constitution consists of the following portions: The Supreme Soviet is the legislative branch of the government and consists of two houses both of equal rank. The Soviet Union has members that are elected from districts of equal population size. The Soviet of nationalities consists of members elected by each of the republics or ethnic subdivisions. The Supreme Soviet has little power and meets infrequently. Its main function is to approve laws that have been written in advance.

The Presidium has the power to issue decrees with the force of law. It may also develop legislation for the Supreme Soviet to pass.

One of the members of the Presidium is elected to serve as President or head of state. This position was basically ceremonial until 1988 when it was redefined and given some powers. The Council of Ministers is equivalent to the cabinet. Due to its large number of members committees called Councils of Ministers make the important decisions for this group. The Council of Ministers is headed by the Premier or the official head of the Soviet government.

The courts of the Soviet Union are technically independent but still fall under the control of the Communist Party. Members elected by the various soviets elect the judges at the various judicial levels. Soviet judges do not have the power to declare any laws unconstitutional. They are however charged with the responsibility to make sure that all governmental officials obey the law.

Effect of Culture on Legal Systems

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Lynn Gresser, Jackson Jr. High School, Champlin, Minnesota
Doug Johnson, Cloquet High School, Cloquet, Minnesota
Lowell Ueland, Glencoe High School, Glencoe, Minnesota

OVERVIEW
Too often we judge others by our own experiences. We fail to remember that others have different experiences and other perceptions of the legal system that we take for granted.

GOALS

A. To get students to understand that cultural aspects have an affect upon legal systems.

B. Given a list of legal concepts, the student recognizes the difference between two different legal systems *(knowledge)*.

C. Using the *Venn Diagram* the student will list the differences and the similarities of the Islamic and American Systems *(analysis)*.

AUDIENCE
Grades 7 through 12.

TIME TO COMPLETE
One class session.

MATERIALS AND OUTSIDE RESOURCES

- Comparative Legal Systems Chart.
- Mini-lecture notes.
- Student handout to take comparative notes.
- List of Differences and Similarities
- Teacher resources (may need to be developed by the teacher)

PROCEDURE

A. The teacher introduces the concept that cultural differences have an effect upon legal systems and that there are different legal systems than that of the United States. The teacher should also mention that the cultural influence affects criminal law, arrests, the death penalty, women's rights, and lawsuits.

B. Use the chart of Comparative Legal Systems to illustrate that the American legal system differs from the non-Western world.

C. Tell students to recall what they have learned or know about their own American government and legal system. You might want them to recite the concepts they have learned and write them on the board.

D. Now tell them you will describe several concepts in lecture on the Islamic (Moslem) legal system. Tell them as you talk they may want to jot down the points you make about the Islamic legal system and in the opposite column the corresponding American legal system characteristic. (Student handout)

E. Present mini-lecture.

F. When the mini-lecture is completed, use a *Venn Diagram* to conduct a discussion with the class to arrive at the similarities and differences between the two systems.

G. Closure in this lesson may lead to further discussion about the likes and differences between legal systems in relation to:

Justice
Civil rights
American Bill of Rights
Law and higher law
Human rights
Women's rights

H. Evaluation of lesson might take the form of a few oral questions or a short written quiz.

REFLECTIONS ON THE LESSON

This would be a good introductory lesson for a study of comparative legal systems in law or world history. The teacher, however, may have to do further research to answer questions that may come up as a result of the class discussion.

Mini-Lecture Notes (Islamic Legal System)

The following points should be developed by the instructor in a mini-lecture. The teacher may need to do further research on this topic.

1. Religion-driven: The Koran is the basis for law, morality, and social behavior within Islamic countries.

2. God (Allah) is the ultimate source of power.

3. The combination of Islamic law forms the *Sharia*, or the straight path of sacred law. *Sharia* laws cover nearly every aspect of Muslim daily life, such as how to divide land and other property among heirs, divorce, criminal penalties and allocation of water in the desert.

4. Islam knows no territorial boundaries or nationalism. It knows no state or frontier.

5. Islam requires obedience to the one in power if the person receives his/her power from the Koran. It is the people's religious duty.

6. The state has no power to legislate in contradiction to the Koran.

7. The individual is subordinate to Islam with his/her duty to God.

8. Family structure and role of the family is determined by the Koran.

9. Morality is based upon the Koran and drives civil law.

10. Law is very traditional and unchanging. Law cannot change with the interpretation of the secular courts or judges because it is based upon the Koran and it must be interpreted according to the Koran.

11. Lawyers, in arguing their case, may not create new law or interpret law in any way other than the Koran.

Alike or Different?
(Responses for the Venn Diagram)

How may they be the same?

1. Provides legal system
2. Regulates behavior
3. Provides direction
4. Individual rights
5. Custom and usage
6. Moral values

How may it be different?

American

1. Law driven
2. People ultimate power
3. Nationalistic
4. Government of law not men
5. State
6. People (state) make laws
7. Individual rights (right to believe or not believe)
8. Interpretation based on Constitution
9. Lawyers can create law

Islamic

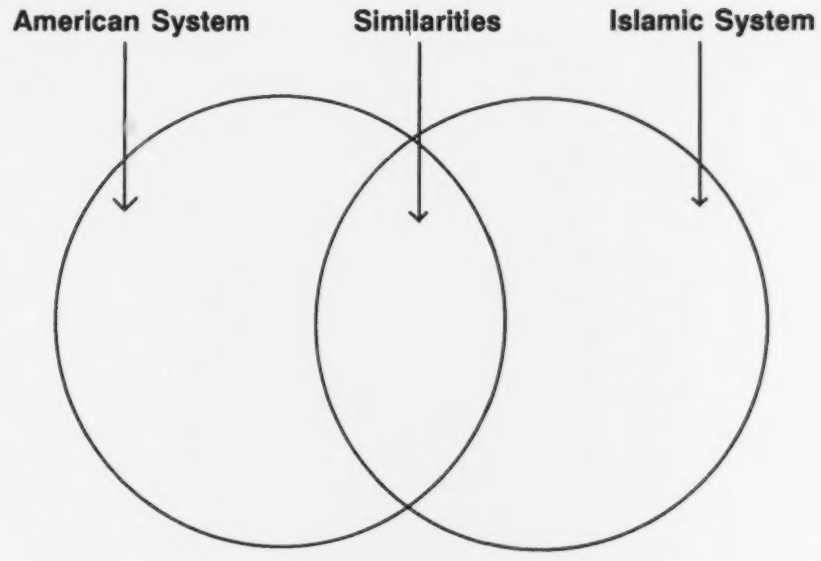
1. Religious driven
2. God (Allah) ultimate
3. Negation of nationalism
4. Obedience to one in power = religious duty of man
5. Knows no state or frontier
6. State has no power to legislate
7. Individual subordinate to Islam -- duties to God and Man -- Family structure and role morality driven -- civil law
8. Interpretation based upon God's will
9. Cannot change because Koran governs -- Traditional and unchanging

Mini-Lecture: Islamic Legal System

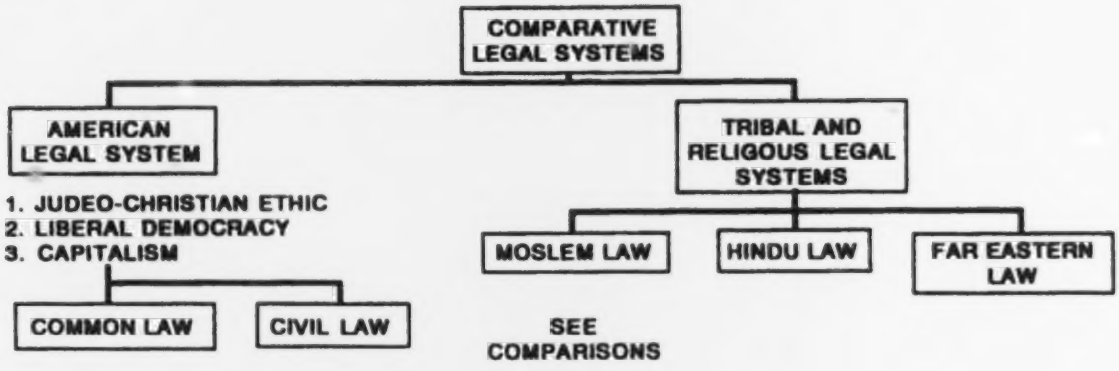
As you listen to the mini-lecture, jot down the points made by the teacher on the Islamic legal system and, in the opposite column, write the corresponding American legal system characteristic.

Islamic Legal System	American Legal System

VENN DIAGRAM



COMPARATIVE LEGAL SYSTEMS



(Note: Above chart based upon Renee David classifications)

The Iroquois Influence On Our United States Constitution

Sally Jean Jensen
Holderness Central School
Plymouth, New Hampshire

OVERVIEW
The U.S. Constitution has been a working experiment for over 200 years. Nations, worldwide, look to this famous document as one to model for their own country.

As one studies the origin and the founding thoughts from which such a creation was derived, we have looked primarily at the European philosophy as our foundation, but there are interwoven subtleties of the Iroquois influence that becomes a very real strand in the founding of our Constitution. Students will also compare the Iroquois oral constitution with the United States Constitution.

GOALS
By reviewing the impact that the Indian way of life had upon the early settlers and by examining the kind of government and the way of life of the Iroquois people, students will be able to cite examples of Indian influences during the time of the European settlement of North America.

Students will also realize that the use of Indian artifacts and practices during the early colonial era was out of practicality and usefulness during those times. The Indians had no motive to change the settlers' way of life. Using local and primary resources, the students will be able to collect and organize information to share with others both in oral and written form.

AUDIENCE
Middle to junior high grades.

TIME TO COMPLETE
Two or more class sessions.

MATERIALS

1. Grade level social studies books.

2. A copy of the United States Constitution.

3. Local primary sources of the area through libraries, historical societies, local people with the knowledge of the local history.

4. Resource books that concentrate on the Indian structure and government. (See Bibliography)

5. Handout on Indian influence & organizational structure.

6. Handout, "The Translation."

7. Large tag board, markers, rulers, pencils, and paper.

PREREQUISITE SKILLS
Students should have a general knowledge of the creation of the U.S. Constitution and be familiar with the goals and the organization of our government as indicated in the first three Articles of the U.S. Constitution.

PROCEDURES - PART I:

1. Students are to read the handout, "Influences of the Indian Way of Life On Early America and Organizational Structure of the Indians." Using this information, their social studies resources, and library materials, students are to cite references of Indian influence on the settling of the New World. Some influences can still be cited today.

2. Using the local historical accounts of their own town, students search for the effects that the Indians had on their local area. To facilitate this activity, use local resources as the historical society, town and state libraries, town officials, and local people who may have knowledge of early settlers.

3. The students can brainstorm who would be possible resources in the community. Students then can be divided into groups and be assigned the different resources to contact. Once the contact is made, students are to develop a new list of questions for the interviews.

4. Role playing can take place in the classroom to help students get a sense of what needs to be done. (See Possible Interview Outline below.)

5. Each research and interviewing group reports their findings, using such formats as: posters, poems, books, skits, cartoons, videos, artifacts, etc. There are many avenues that a group can use to share the information that they have found. Each group must also answer the findings questionnaire. (See Suggested Questions for Findings Questionnaire)

PROCEDURES - PART II:

1. Students read the handout, "The Translations of Portions of the 'Great Law of Peace' of the Six Nation League," in cooperative groups. Students should discuss and answer the questions that are included with this handout.

2. Using the resources available with the handouts and the United States Constitution, each group works on an illustrative presentation that compares the two governments. Each group can choose their own theme such as Goals of Governing the People, The Role of the Woman, The Concepts of Checks and Balances, The Courts, etc.

Each group of students can choose their final presentation, such as an illustrated BIG BOOK, a cartoon strip, a poster, a play, a game, etc.

SUGGESTED QUESTIONS FOR THE FINDINGS QUESTIONNAIRE

1. Cite all of the different resources that your group used to accomplish your report.

2. Which resource proved to be the most helpful to your group giving you the most information?

3. Define primary sources. Did your group use any? If yes, what were they?

4. What type of report did your group do? How did your group decide on that particular kind?

POSSIBLE INTERVIEW OUTLINE

I. Arrangements: Arrange the appointment time and place. State who you are, what class you are from, and the purpose of the project.

II. The Interview

A. Introductions: State who you are, what class you are from and restate the purpose of the interview.

B. Have a list of questions ready. If there is a group of students doing the interviewing, assign what questions each will ask.

C. Have paper and pencil for notetaking.

D. At the end of the interview, thank the individual being interviewed. Later when returning to school, write a thank you note stating that you and your class appreciates the time spent and the information learned.

III. Back to Class: Share with the class your information and what the interviewing was like.

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INFLUENCES OF THE INDIAN WAY OF LIFE ON EARLY AMERICA

In the early days of the Europeans settling of this "new land," there were more peaceful interactions than conflicts. These new settlers would not have survived had it not been for Squanto, a Wampanoag who was kidnapped and brought to England in 1664. While in Europe, Squanto learned English which was a key factor in helping the Pilgrims in 1620 when he returned to his native land.

The Pilgrims learned to plant and use many of the Indian ways of life for survival in this new land. The Indian clothing and diet including corn and potatoes was introduced to the colonists. The use of the forest trails, water ways, snow shoes, sleds, kayaks and canoes, herbal medicines, new foods -- sweet potatoes, peppers, squash, pumpkins, tomatoes, different kinds of beans and the cooking of turkey are only a few of the kinds of things that the colonies found to benefit their new way of life. The Indians did not purposely teach these new-comers, but the habits and ways of life of the Indian proved to be very useful for the survival of the white man in this incredibly new and strange environment of forests and natural resources.

Our language has adopted many Indian words and names. Looking at the history of many states, there is overwhelming evidence of the influence of the Indians' usage of words.

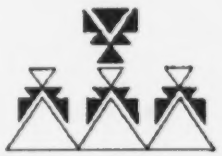
The way of life of the Indian in their own society to maintain their individual rights and freedoms, and to distribute powers has had a profound influence on our own Constitution, yet very little of this is mentioned in our history books.

ORGANIZATIONAL STRUCTURE OF THE INDIANS

Indian families joined together creating bands. Band size depended on the number of families in a local area. This could range anywhere from 20 to 300 people. Each band would choose either an older person that had great wisdom to be a leader or they would choose different leaders of different abilities to handle different kinds of problems.

Bands that were in the same general location would group together as a tribe. Each tribe had one leader as a chief or there would be two chiefs, one for war time and another during peace time. Decisions effecting the tribe were made only after there was a meeting of the council -- older members of the band who were considered to have great wisdom.

Different tribes would join together to make a Confederacy -- a unique union of basic principles that are presently held in high regard within our own Constitution. The Iroquois League is believed to have been the largest Indian Federation in the New World. The League was made up of five tribes: the Cayugas, the Mohawks, the Oneldas, the Senecas, and the Onondagas.



It is believed that a Huron mystic, Deganwldah, and his follower, Hiawatha (Onondaga) organized a Federation in the 1500s. Deganwidah dreamed of a mighty tree of "Great Peace." This tree had the support of roots of the five Indian tribes. Unity among all tribes was promoted. They were governed by a council that had an oral constitution with democracy, even in its simplest form, based on high principles. Each tribe took care of its own individual concerns. Yet what affected all of the league, the Council decided. Each nation (or tribe) had a council of delegates called sachems who were elected to the seats of the council. The five tribal nations had a total of 50 sachems, with Onondaga having the most seats -- fourteen.

The grand Council discussed issues of common concern after much oratory and diplomacy which was a valued process. Power and responsibility spread throughout the council as the individual councils of each nation dealt with the individual matters with unanimous decisions. Since there were no courts of law, the chiefs from the five nations settled disputes.

Women had much power, power to choose chiefs and to depose them. Women could also nominate tribal council members and remove them from their positions if there was any misbehavior. Women had the final decisions as to what happened to captives. Thus, women were active "behind the scenes."

The tribes lived as far north as what is now known as Ontario, as far south as what is now known as Virginia and as west as what is now known as Michigan and Illinois. Later, in the 1700s, a tribe came north after being forced out of the Carolinas. This was the Tuscarora tribe -- the sixth tribe.

The League forged a long-lasting peace among the six tribes and formed an effective political single government which we hold high in our system of politics. The distrust for established authority or the penchant of helping those in need was strong in the roots of the Indian culture. Universal suffrage for both men and women, and the right of states/tribes are strong in the Indian traditions. That chiefs became servants of the people they served rather than masters and that the tribe must respect differences within the tribes are concepts that existed long before Columbus. So who learned from whom?

Benjamin Franklin marveled at the effectiveness of the Iroquois Federation: "It would be a very strange thing if six Nations of ignorant savages should be capable of forming a scheme for such a Union... and yet that a like union should be impracticable for ten or a dozen English Colonies, to whom it is more necessary."

THE TRANSLATIONS OF PORTIONS OF THE "GREAT LAW OF PEACE" OF THE SIX NATION LEAGUE

The Iroquois Confederacy was formed with great ideas and principles which were not translated into English until about the 1800s. The originator of the idea of a federal union with lasting peace among all kinds of tribes was Deganwldah, a Huron who lived in what is now eastern Ontario. He stuttered so badly that it was hard for him to express his ideas to the tribes as he wandered around. In tribes where oratory was greatly treasured and used, Deganwldah could hardly talk to share his great ideas.

Meeting Hiawatha changed this frustration. An Indian leader, Hiawatha was willing to do the speaking and to conduct long negotiations with the Indian tribal nations. He shared Deganwidah's vision, translated as THE GREAT LAW OF PEACE. Untranslated: KAIANEREKOWA.

The Great Law of Peace uses the metaphor of a great white pine. The roots and the branches become the unity of the league. The tree and the main council fire of the confederacy were located on the Onondaga Nation (now Syracuse, New York). The text of the Great Law holds some of the same concepts the founding fathers had for the U.S. Constitution:

"Roots have spread out...one to the north, one to the west, one to the east and one to the south. These are the Great White Roots and their nature is peace and strength. If any man or any nation outside the Five Nations shall obey the laws of the Great Peace and shall make this known to the statesmen of the League, they may trace back the roots to the tree. If their minds are clean and they are obedient and promise to obey the wishes of the Council of the League, they shall be welcomed to take shelter beneath the Tree of the Long Leaves."

This opening statement established the basis for the confederacy. **What in U.S. history parallels this with the thirteen colonists?** The following describes procedures for the confederacy's complex system of checks and balances:

"The council of the Mohawks shall be divided into three parties ...the first party shall listen only to the discussion of the second and third parties and if an error is made, or the proceeding irregular, they are to call attention to it, and when the case is right and properly decided by the two parties, they shall confirm the decision and refer the case to the Seneca statesmen.... When the Seneca... have decided in accord with the Mohawk statesmen, the case... shall be referred to the Cayuga and Oneida statesmen on the opposite side of the house."

The Great Law ensured that nothing would be acted upon by the Council of the League without all five represented nations, each discussing the matter by itself first, each nation having a specific role, much like that of the two-house U.S. Congress.

One portion of the Great Law provides for change:

"If the conditions which arise at any future time call for an addition to or a change of this law, the case shall be carefully considered and if a new beam seems necessary or beneficial, the proposed change shall be decided upon and, is adopted, shall be called 'added to the rafters.'"

What is the analogy used in this paragraph? How does this relate to the United States Constitution? One of the major portions of the GREAT LAW OF PEACE was a section on murder, considered one of the most serious offenses among the nations. A chief found guilty of murder would not only lose his title but be banished from the confederacy:

"If a chief of the League of Five Nations should commit murder, the other chiefs of the nation shall assemble at the place where the corpse lies and prepare to depose the criminal chief. If it is impossible to meet at the scene of the crime the chiefs shall discuss the matter at the next council of their nation and request their war chief to depose the chief guilty of the crime, to 'bury' his women relative and to transfer the chieftainship title to a sister family."

The following describes the role of chiefs:

"The chiefs of the League of Five Nations shall be mentors of the people for all time. The thickness of their skins shall be seven spans, which is to say that they shall be proof against anger, offensive action and criticism. Their hearts shall be full of peace and good will and their minds filled with a yearning for the welfare of the people of the League. With endless patience, they shall carry out their duty. Their firmness shall be empowered with a tenderness for their people. Neither anger nor fury shall find lodging in their minds and all their words and actions shall be marked by calm deliberation."

What kind of traits would a leader in the Iroquois Confederacy have to have? Where in the United States Constitution are the descriptions of the qualifications of leaders given? What are they? Compare the U.S Preamble with the following excerpts from the Great Law of Peace and the Preamble to the United Nations Constitution:

"I am Deganwldah, and with the Five Nations confederate lords I plant the tree of the Great Peace.... Roots have spread out from the Tree... and the name of these Roots is the Great White Roots of Peace... [T]hey may trace the Roots to their source... and they shall be welcomed to take shelter beneath the Tree...."

"We, the peoples of the United Nations, determined to save succeeding generations from the scourge of war... and to reaffirm faith in fundamental human rights... and to establish conditions under which justice and respect for law can be maintained... do hereby establish an international organization to be known as the United Nations."

An Island Mediation Process (Hawaiian)

Keith Kalani Akana
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Pearl City, Hawaii

OVERVIEW

Through role play situations, students will experience alternative methods of resolving disputes and conflict. They will experience a mediation process used by many minorities that live in the United States and will thus broaden their appreciation for other systems of justice and governance. This mediation technique is adapted from the Hawaiian problem-solving process called *ho'oponopono*.

GOALS

As a result of this lesson, the student will:

- Be able to identify the steps of the *ho'oponopono* process.
- Make comparisons between it and other problem-solving processes and/or solutions to familiar school situations.
- Evaluate which method best acknowledges students' feelings and own power to come into an agreement.

AUDIENCE

Grades 3-6.

TIME TO COMPLETE

Two class sessions.

MATERIALS AND OUTSIDE RESOURCES

1. Handout, "Classroom Procedures for Ho'oponopono."
2. Handout, "Role-play Situations."
3. Chalkboard/chalk or chartpaper/pen.

PROCEDURE

A. Background

Traditional Hawaiian society revolved around the family and its ability to survive on an island with limited resources. As a result of the "limitedness" of being on an island, Hawaiians developed a practical way of dealing with problems and personal conflicts. They called this process *ho'oponopono* which means "to make right." Interpersonal relationships were and are very important to Hawaiians. In addition, it was believed that emotional problems and conflict caused physical illnesses. Before a *kahuna* or medical practitioner would treat a patient, *ho'oponopono* was often conducted. In other words, the emotional and spiritual self was healed before the physical self.

Although *ho'oponopono* was originally a religious process, Hawaiian families still practice it in many forms. Social workers in the State of Hawaii are trained in it to serve these families, and many department of education schools have adapted it to suit the needs and standards of school. Here is a basic description of the traditional practice:

1. Pule: a prayer to the gods asking for guidance.
2. Kukulu kumuhana("build a foundation"): The problem was stated and consensus was formed as to the direction and focus of the meeting.
3. Mahiki ("peel off"): Each problem was discussed and corrected. Participants spoke to and only addressed the leader or *haku*. Truthfulness and a spirit of openness was encouraged no matter how painful. The entanglement of resentment, hostility, guilt, depression, and fears was called *hihia*. This had to be unraveled and dealt with lest others be entangled in the cycle of negativity.

4. Ho'omalu: A period of silence should be included for rest, to cool tempers, or to meditate and reflect upon the problem at hand. Participants could not talk about this problem outside of the group.

5. Mihi ("confess"): In traditional society, the *mihi* was often accompanied by gifts of food to family gods.

6. Hui kala ("forgiveness"): Each person must release and free the other from the grudges and ill-feelings harbored before the *ho'oponopono*.

7. Mo ka piko ("the cord is cut"): If no genuine resolution could be reached because of refusal of the parties to comply to forgiveness and release, "Mo ka piko" was declared. In a family situation, this meant severance from the family and community. In traditional society, forgiveness and release was preferred over severance.

8. Pule Ho'oku'u: A closing prayer.

B. Objectives for Role Playing Activity

Through role play, students will: (1) experience a mediation process, (2) understand the importance of acknowledging our feelings and emotions that are part of conflict, and (3) learn a problem-solving technique.

C. Conducting the role playing activity

1. Display and discuss classroom ho'oponopono procedure (see handout). Go over the day before.

2. Select a role play situation (included). Distribute and/or display the role-play situations. When working with groups, each group might have its own situation to role play, with the teacher as mediator. (Feel free to adapt, simplify, and or use your own school-based situations.)

3. The teacher conducts ho'oponopono. The teacher may choose to write out the problem.

4. The teacher and or students write out a solution to problem.

D. Conducting the debriefing

1. Have key participants express how they felt during the role playing. Did they feel their feelings and emotions were acknowledged? Were they satisfied with the outcome?

2. Discuss with class as to how they have observed and/or known similar incidents to have been involved. Which do they like better? Why?

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ROLE PLAY SITUATIONS

1. You always let your friend borrow your school supplies -- pencils, paper, eraser, etc. Today you needed to use a pencil for an important test but your friend would not let you borrow one. You become angry and forcibly take the pencil from your friend's hand.

2. You and your classmates are playing. One classmate refuses to follow the rules of the game. You become frustrated with this person and yell, "Get out of here. You can't play with us anymore."

3. One of your classmates always teases you for being slow in doing your work. Your best friend seems to be listening to this classmate and no longer chooses to play with you at recess. You are hurt.

4. You were playing soccer on the field with a ball you checked out. Another classmate comes along and steals the ball. You chase after him/her but he/she refuses to give it back. You finally call the yard supervisor. The classmate tells the other kids that you are a "sissy." This embarrasses you.

5. One of your classmates is a tattle-tale. Today he/she accused you of taking the missing class money. You are furious.

6. You are standing in the lunch line. One of your classmates lets a late arrival enter the line in front of you. You think this is unfair and you pull him/her out of line. He/she gets mad at you.

CLASSROOM HO'OPONOPONO PROCEDURES

1. Ho'omalu (Quiet period):

   A brief period of silence to concentrate on the purpose of the session.

2. Kukulu kumuhana (Statement of the problem):

   The teacher states the problem as he/she understands it.

3. Mahiki (Discussion):

   Participants express themselves and give their views of the conflict. They talk to the teacher who, in turn, asks appropriate questions of others in the group. The teacher, as mediator, must avoid making any judgment.

   a. Have Party A give his/her side of the story and how he/she feels about what happened.
   b. Restate what Party A has just said.
   c. Ask Party B to give his/her side of the story and how he/she feels about what happened.
   d. Restate what Party B said.

4. Mihi (Restoration):

   Participants come up with solutions to help restore and mend relationships.

   a. Ask Party A if he/she has a solution.
   b. Ask Party B if he/she agrees with the solution.
   c. If not, ask Party B if he/she has a solution.
   d. Keep going back and forth until both/all parties come up with a solution that they agree on and that solves the problem.

5. Huikala (Rectification):

   When an agreement is made on a solution to the problem, encourage a supportive and natural reaction to the agreement such as a hug, hand-shake, etc. The teacher should write out the problem for large class discussion. Parties may choose to sign the solution but this is not necessary.

6. Ho'oku'u (Release):

   The teacher announces the close of the session. He/she may restate how the problem has been solved and congratulate the parties both verbally and physically.

Juvenile Justice: Little Criminals, Big Crimes
It Depends On Where You Live

Jan Meagher
Pontiac, Michigan

OVERVIEW
The purpose of this lesson is to create student awareness of the differences in the treatment of juveniles from state to state due to our system of federalism. From a collection of laws regarding juveniles being tried as adults around the country, the students will compare the treatment of juveniles from state to state.

GOALS
As a result of this lesson, students will understand the differences in juveniles being treated as adults in various states. They will recognize that the same juvenile, committing the same crime, under the same circumstances could end up with completely different treatment and sentencing, depending on where the juvenile lived.

AUDIENCE
High school law or government class.

TIME TO COMPLETE
Two class periods.

MATERIALS:

- Handouts on juvenile laws from various states
- Juvenile cases
- Charts on juveniles and the death penalty

PROCEDURE

1. On the first day, the teacher should give a history of the treatment of juveniles in that state.

2. Divide the students into groups of four to five students. Ask them to draft rules or laws regarding the treatment of juveniles as adults:

   a) the age at which a juvenile should be tried as an adult;

   b) the crimes for which a juvenile should be tried as an adult;

   c) any special circumstances that should have a bearing on whether or not a juvenile should be tried as an adult.

3. Debrief the groups with a comparison chart on the blackboard with the laws written that day.

4. On the second day, keeping the same groups, give each group the juvenile code from one state. Give the groups the juvenile cases to deal with based on the state they have. They will decide how their state would deal with each case: what legal situation each juvenile faces.

5. To debrief, once again use a comparison chart on the blackboard, allowing them to see the range of differences.

6. Refer students back to their group laws from the day before and point out differences.

EVALUATION
A quiz on the treatment on juveniles as adults, and a position paper on the issue, "Should treatment of juveniles be consistent in the U.S.?"

TIPS FOR THE TEACHER
Invite someone from your local juvenile division/ court to discuss transfers to adult court in your own state. Have students look up the decision in *Thompson v. Oklahoma* (see below). Does it affect any of the state laws studied? Other topics for debate or discussion could be the causes of juvenile crime or the likelihood of rehabilitation for juvenile offenders.

Note: State codes were supplied by the Office of the Attorney General in each state.

THOMPSON V. OKLAHOMA, 487 U.S. 815 (1988) (5-3 decision, with one abstention):
William Wayne Thompson was convicted of actively participating (along with three older persons) in the brutal murder of his former brother-in-law. He was 15 years old at the time of the offense. All four were sentenced to death. The Supreme Court held that the cruel and unusual punishment prohibition of the Eighth Amendment, made applicable to the states by the Fourteenth Amendment, prohibits the execution of a person who was under 16 years of age at the time of his/her offense.

(d) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

(1) IC 35-42-1-1 (murder);
(2) IC 35-42-3-2 (kidnapping);
(3) IC 35-42-4-1 (rape);
(4) IC 35-42-5-1 (robbery), if:

(A) it was committed while armed with a deadly weapon; or
(B) it results in bodily injury or serious bodily injury;

(5) IC 35-47-5-4 (dealing in a sawed-off shotgun); or
(6) any offense that may be joined (under IC 35-34-1-9(a)(2)) with any crime listed in subdivisions (1) through (5);

if the individual was sixteen (16) years of age or older at the time of the alleged violation. Once such an individual has been charged with any crime listed in subdivisions (1) through (6), the court having adult criminal jurisdiction shall retain jurisdiction over the case, even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to, or a conviction of, a lesser included offense does not vest jurisdiction in the juvenile court.

31-6-2-4 Waiver of jurisdiction

Sec. 4. (a) Waiver of jurisdiction refers to an order of the juvenile court that waives the case to a court that would have jurisdiction had the act been committed by an adult. Waiver is for the offense charged and all included offenses.

(b) Upon motion of the prosecutor and after full investigation and hearing, the juvenile court may waive jurisdiction if it finds that:

(1) the child is charged with an act:

(A) that is heinous or aggravated, with greater weight given to acts against the person than to acts against property; or

(B) that is a part of a repetitive pattern of delinquent acts, even though less serious;

(2) the child was fourteen (14) years of age or older when the act charged was allegedly committed;

(3) there is probable cause to believe that the child committed the act;

(4) the child is beyond rehabilitation under the juvenile justice system; and

(5) it is in the best interests of the safety and welfare of the community that he stand trial as an adult.

(c) Upon motion of the prosecutor and after a full investigation and a hearing, the court may waive jurisdiction if it finds that:

(1) the child is charged with an act that if committed by an adult would be a felony under IC 35-48-4;

(2) there is probable cause to believe that the child has committed the act;

(3) the child was at least sixteen (16) years of age when the act was allegedly committed; and

(4) it is in the best interests of the safety and the welfare of the community for the child to stand trial as an adult.

(d) Upon motion of the prosecutor and after full investigation and hearing, the juvenile court shall waive jurisdiction if it finds that:

(1) the child is charged with an act that would be murder if committed by an adult;

(2) there is probable cause to believe that the child has committed the act; and

(3) the child was ten (10) years of age or older when the act charged was allegedly committed;

unless it would be in the best interests of the child and the safety and welfare of the community for him to remain within the juvenile justice system.

(e) Except for those cases in which the juvenile court has no jurisdiction in accordance with section 1(d) of this chapter, the court shall upon motion of the prosecutor and after full investigation and hearing, waive jurisdiction if it finds that:

(1) the child is charged with an act that, if committed by an adult, would be:

(A) a Class A or Class B felony, except a felony defined by IC 35-48-4;

(B) involuntary manslaughter as a Class C felony under IC 35-42-1-4 or

(C) reckless homicide as a Class C felony under IC 35-42-1-5;

(2) there is probable cause to believe that the child has committed the act; and

(3) the child was sixteen (16) years of age or older when the act charged was allegedly committed;

unless it would be in the best interests of the child and of the safety and welfare of the community for him to remain within the juvenile justice system.

(f) Upon motion by the prosecutor, the juvenile court shall waive jurisdiction if it finds that:

(1) the child is charged with an act which would be a felony if committed by an adult; and

(2) the child has previously been convicted of a felony or a nontraffic misdemeanor.

(g) No motion to waive jurisdiction may be made or granted after:

(1) the child has admitted the allegations in the petition at the initial hearing; or

(2) the first witness has been sworn at the factfinding hearing.

(h) If jurisdiction is waived, the juvenile court shall order the child held for proceedings in the court to which he is waived, and may fix a recognizance bond for him to answer the charge in that court.

(i) The finding of probable cause required to waive jurisdiction is sufficient to establish probable cause in the court to which the child is waived.

(j) The waiver order must include specific findings of fact to support the order.

(k) The prosecutor shall file a copy of the waiver order with the court to which the child has been waived when he files the indictment or information.

35-50-2-3 Murder

Sec. 3. (a) A person who commits murder shall be imprisoned for a fixed term of forty (40) years, with not more than twenty (20) years added for aggravating circumstances or not more than ten (10) years subtracted for mitigating circumstances; in addition, the person may be fined not more than ten thousand dollars ($10,000).

(b) Notwithstanding subsection (a), a person who was at least sixteen (16) years of age at the time of the murder was committed may be sentenced to death under section 9 of this chapter.

(Continued)

INDIANA CODE (Continued)

35-50-2-9 Death sentence

Sec. 9 (a) The state may seek a death sentence for murder by alleging, on a page separate from the rest of the charging instrument, the existence of at least one (1) of the aggravating circumstances listed in subsection (b). In the sentencing hearing after a person is convicted of murder, the state must prove beyond a reasonable doubt the existence of at least one (1) of the aggravating circumstances alleged.

(b) The aggravating circumstances are as follows:

(1) The defendant committed the murder by intentionally killing the victim while committing or attempting to commit arson, burglary, child molesting, criminal deviate conduct, kidnapping, rape or robbery.

(2) The defendant committed the murder by the unlawful detonation of an explosive with intent to injure person or damage property.

(3) The defendant committed the murder by lying in wait.

(4) The defendant who committed the murder was hired to kill.

(5) The defendant committed the murder by hiring another person to kill.

(6) The victim of the murder was a corrections employee, fireman, judge, or law enforcement officer and either:

(A) the victim was acting in the course of duty; or

(B) the murder was motivated by an act the victim performed while acting in the course of duty.

(7) The defendant has been convicted of another murder.

(8) The defendant has committed another murder, at any time, regardless of whether the defendant has been convicted of that other murder.

(9) The defendant was under a sentence of life imprisonment at the time of the murder.

(10) The defendant was serving a term of imprisonment and on the date of the murder of the defendant had twenty (20) or more years remaining to be served before the earliest possible release date as defined by IC 35-38.

(11) The defendant dismembered the victim.

(12) The victim of the murder was less than twelve (12) years of age.

(c) The mitigating circumstances that may be considered under this section are as follows:

(1) The defendant has no significant history of prior criminal conduct.

(2) The defendant was under the influence of extreme mental or emotional disturbance when the murder was committed.

(3) The victim was a participant in, or consented to the defendant's conduct.

(4) The defendant was an accomplice in a murder committed by another person and the defendant's participation was relatively minor.

(5) The defendant acted under the substantial domination of another person.

(6) The defendant's capacity to appreciate the criminality of the defendant's conduct or to conform that conduct to the requirements of law was substantially impaired as a result of mental disease or defect or of intoxication.

(7) The defendant was less than eighteen (18) years of age at the time the murder was committed.

(8) Any other circumstances appropriate for consideration.

(d) If the defendant was convicted of murder in a jury trial, the jury shall reconvene for the sentencing hearing. If the trial was to the court, or the judgement was entered on a guilty plea, the court alone shall conduct the sentencing hearing. The jury or the court may consider all the evidence introduced at the trial stage of the proceedings, together with new evidence presented at the sentencing hearing. The defendant may present any additional evidence relevant to:

(1) the aggravating circumstances alleged; or

(2) any of the mitigating circumstances listed in subsection (c).

(e) If the hearing is by jury, the jury shall recommend to the court whether the death penalty should be imposed.

MICHIGAN COURT RULES

Article IV. Section 46 of the Michigan Constitution of 1963 prohibits the death penalty.

JUVENILE JUSTICE

The Probate Court is the court in Michigan which has jurisdiction over children who are accused of crimes or in need of help because they are neglected or abused. MCL 712A.1 et seq: MSA 27.3178(598) et seq.

However, there are two situations in which juvenile offenders age 15 or 16, may be waived to the jurisdiction of the circuit court. First, the new "automatic" waiver applies to 15- or 16-year-olds charged with any of nine serious felony offenses:

a) Assault with intent to murder
b) Assault with intent to rob while armed
c) Attempted murder
d) First degree murder
e) Second degree murder
f) First degree criminal sexual conduct
g) Armed robbery
h) Manufacture, delivery or possession with intent to deliver over 650 grams of a mixture containing heroin or cocaine
i) Possession of more than 650 grams of a mixture containing heroin or cocaine.

The prosecutor then has the choice to proceed in the circuit court by complaint and warrant or juvenile court petition. In this instance both probate and circuit court have jurisdiction. If the prosecutor decides to try the juvenile as an adult, the young offender may be detained in a juvenile detention home not jail during the proceeding.

"Permissive" waiver involves a request by the prosecutor to the probate court to waive jurisdiction. The juvenile court judge then holds hearings to decide two questions. The first question is whether there is probable cause to believe that the child committed an offense which if committed by an adult would constitute a felony. If the court finds such probable cause, then it must also conduct a hearing to determine "whether or not the interest of the child and the public would be best served by granting a waiver of jurisdiction to the criminal court." MCL 720.103; MSA 27.3178. The statute further provides that the court should consider the following criteria in making its determination:

"(a) The prior record and character of the child, his or her physical and mental maturity and his or her pattern of living.

(b) The seriousness of the offense.

(c) Whether the offense is part of a repetitive pattern of offenses which would lead to one of the following determinations:

(1) The child is not amenable to treatment.

(2) That despite the child's potential for treatment, the nature of the child's delinquent behavior is likely to disrupt the rehabilitation of other children in the treatment program.

(d) Whether, despite the child's potential for treatment, the nature of the child's delinquent behavior is likely to render the child dangerous to the public if released at the age of 19 or 21.

(e) Whether the child is more likely to be rehabilitated by the services and facilities available in adult programs and procedures than in juvenile programs and procedures.

(f) Whether it is in the best interests of the public welfare and the protection of the public security that the child stand trial as an adult offender."

When a juvenile has been tried as an adult under either "automatic" or "permissive" waiver, the circuit court judge can sentence the juvenile as an adult or to probation with time in a juvenile detention facility. In making the sentencing determination, the circuit court reviews essentially the same factors as the probate judge in determining permissive waiver.

If the judge sentences the juvenile to a juvenile facility the circuit court retains jurisdiction over the person and the court must conduct a review hearing before the juvenile's 19th birthday. The judge must consider the following action in determining whether or not jurisdiction shall continue until age 21:

a) The extent and nature of the juvenile participation in education, counselling or work programs.

b) The juvenile's willingness to accept responsibility for prior behavior.

c) The juvenile's behavior in the current payment.

d) The prior record and character of the juvenile and his or her physical and mental maturity.

e) The juvenile's potential for violent conduct as demonstrated by prior behavior.

f) The recommendations of the agency charged with the juvenile's care regarding the juvenile's release or continued custody

g) Other information the prosecuting attorney or juvenile may submit

If the juvenile who has been placed on probation commits a felony or 1-year misdemeanor while on probation and is convicted; the circuit court judge must revoke probation and remand the juvenile to the Department of Corrections to serve time as an adult. For any other probation violation, the court can continue probation and require any of the following conditions:

a) A change of placement.
b) Restitution.
c) Community service.
d) Substance abuse counselling.
e) Mental health counselling.
f) Participation in a vocational/technical educational program.
g) Incarceration in a county jail for up to 30 days.
h) Other participation or performance as the court considers necessary.

Procedures In Juvenile Court

See Michigan Court Rule 5.931-5.973 for the intake and hearing procedures in Michigan. Recently, the Legislature amended the probate code to provide that all juvenile court proceedings, including abuse and neglect, are now open to the public except where the court determines that closing is necessary to protect the welfare of a child witness or victim.

The juvenile court also has the authority to retain jurisdiction over a juvenile up to age 21 if convicted of certain enumerated major felonies. The probate court must conduct a hearing at age 19 and consider the same factors as the circuit court judge in determining whether or not jurisdiction will continue to age 21. The juvenile is entitled to an attorney for this hearing. Otherwise, jurisdiction over delinquents end at age 19.

ILLINOIS

WHEN ARE JUVENILES TRIED IN ADULT COURT?

Although most young offenders in Illinois are handled by the Juvenile Court, some juveniles suspected of serious crimes can be tried in adult court instead. Illinois' Juvenile Court Act permits state's attorneys to ask Juvenile Court judges to transfer certain suspected juvenile offenders to adult court. In addition, juveniles themselves, with the consent of counsel, may request a transfer to adult court.

In order to be tried in adult court, the juvenile must be aged 13 or older, and the youth must be accused of an offense that would be criminal if committed by an adult. The request for transfer is reviewed by a Juvenile Court judge in what was formerly known as a 702 hearing. If the judge determines it is in the best interests of the minor and the public not to proceed in Juvenile Court, the judge may order the juvenile tried in adult court.

In addition, Illinois law since 1982 has required that some juvenile suspects be transferred to adult court automatically. Any juvenile charged with first-degree murder, aggravated criminal sexual assault, or armed robbery with a firearm who was at least 15 years old at the time of offense must be tried in adult Court. In 1986, certain drug crimes and weapon violations committed in or near a school were added to the list of offenses carrying an automatic transfer.

HOW MANY JUVENILES ARE TRIED AS ADULTS IN ILLINOIS?

A juvenile in Illinois may be transferred to adult court and prosecuted under the state's criminal laws in one of three ways. The first involves a *discretionary transfer* initiated by a state's attorney and ordered by a Juvenile Court judge following a transfer hearing. The second type of transfer is *automatic* under state law for juveniles accused of certain serious crimes. The third is on the request of the juvenile, with the consent of counsel. (See figure 5-11)

Reliable statewide statistics on the number of transfer hearings and the number of juveniles tried as adults in Illinois are unavailable. However, data from Cork County (where, presumably, a large percentage of the transfers in the state occur) indicate that nearly 600 juveniles were tried as adults between 1984 and 1987, with most of these resulting from automatic transfers.

After the automatic transfer law took effect in 1982 the number of discretionary transfers in Cook County began to decline as more cases that previously would have gone through transfer hearings were instead automatically transferred to adult court. In recent years, however, automatic transfers have been lower than the 145 recorded in 1984. Discretionary transfers, meanwhile, have risen from seven in 1984 to 56 in 1987 (Figure 5-11). Still, between 1984 and 1987, there were nearly five times as many automatic transfers as discretionary transfers in Cook County.

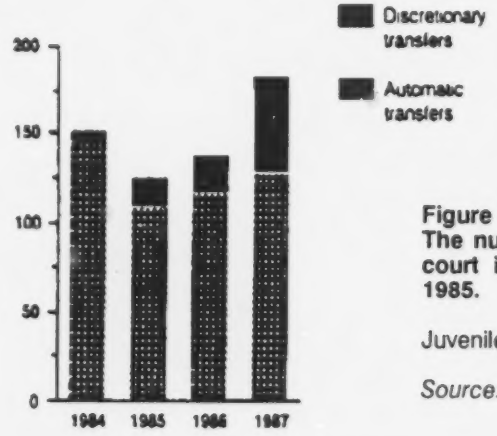


Figure 5-11
The number of transfers of juveniles to adult court in Cook County has increased since 1985.

Juvenile transfers to adult court

Source: Juvenile Court of Cook County

FLORIDA CODE

(5)(a) If the court finds, after a waiver hearing, that a child who was 14 years of age or older at the time the alleged violation was committed and who is alleged to have committed a violation of Florida law should be charged and tried as an adult, then the court may enter an order transferring the case and certifying the case for trial as if the child were an adult. The child shall thereafter be subject to prosecution, trial, and sentencing as if the child were an adult but subject to the provisions of s. 39.111(6).

(b) The court shall transfer and certify the case for trial as if the child were an adult if the child is alleged to have committed a violation of law and, prior to the commencement of an adjudicatory hearing, the child, joined by a parent or, in the absence of a parent, by his guardian or guardian ad litem, demands in writing to be tried as an adult.

(c) 1. A child of any age charged with a violation of Florida law punishable by death or by life imprisonment shall be subject to the jurisdiction of the court as set forth in s. 39.06(7) unless and until an indictment on such charge is returned by the grand jury. When an indictment is returned, the petition for delinquency, if any, shall be dismissed. The child shall be tried and handled in every respect as if he were an adult:

a. On the offense punishable by death or by life imprisonment; and
b. On all other felonies or misdemeanors charged in the indictment which are based on the same act or transaction as the offense punishable by death or by life imprisonment or on one or more acts or transactions connected with the offense punishable by death or by life imprisonment.

2. No adjudicatory hearing shall be held within 21 days from the date that the child is taken into custody and charged with having committed an offense punishable by death or by life imprisonment unless the state attorney advises the court in writing that he does not intend to present the case to the grand jury or that he has presented the case to the grand jury and the grand jury has returned a no true bill. If the court receives such a notice from the state attorney, or if the grand jury fails to act within the 21-day period, the court may proceed as otherwise authorized under this chapter.

3. If the child is found to have committed the offense punishable by death or by life imprisonment, the child shall be sentenced as an adult. If the child is not found to have committed the indictable offense but is found to have committed a lesser included offense or any other offense for which he was indicted as a part of the criminal episode, the court may sentence as follows:

a. Pursuant to the provisions of s. 39.111(6);
b. Pursuant to the provisions of chapter 958, notwithstanding any other provisions of that chapter to the contrary; or
c. As an adult.

Once a child has been indicted pursuant to this paragraph and has been found to have committed any offense for which he was indicted as a part of the criminal episode, the child shall thereafter be handled in every respect as if he were an adult for any subsequent violation of Florida law, unless the court pursuant to this paragraph imposes juvenile sanctions under s. 39.111-(6).

(d) Once a child has been transferred for criminal prosecution pursuant to a waiver hearing or information and has been found to have committed the offense for which he is transferred or a lesser included offense, the child shall thereafter be handled in every respect as if he were an adult for any subsequent violation of Florida law.

(2) WAIVER HEARING

(a) Within 7 days, excluding Saturdays, Sundays, or legal holidays, of the date a delinquency petition has been filed and before an adjudicatory hearing, and after considering the recommendation of the intake officer, the state attorney may file a motion requesting the court to transfer the child for criminal prosecution if the child was 14 or more years of age at the alleged time of commission of the violation of law for which he is charged. If the child has been previously adjudicated delinquent for a violent crime against a person, to wit: murder, sexual battery, armed or strong-armed robbery, aggravated battery, or aggravated assault, and is currently charged with a second or subsequent such s\offense, the state attorney shall file a motion requesting the curt to transfer the child for criminal prosecution or shall file an information pursuant to s. 39.04(3)(e)4., if applicable.

(b) Following the filing of the motion of the state attorney, summonses shall be issued and served in conformity with the provision of s. 39.06. A copy of the motion and a copy of the delinquency petition, if not already served, shall be attached to each summons.

(c) The court shall conduct a hearing on all such motions for the purpose of determining whether a child should be transferred. In making its determination, the court shall consider:

1. The seriousness of the alleged offense to the community and whether the protection of the community is best served by transferring the child for adult sanctions.

2. Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner.

3. Whether the alleged offense was against persons or against property, greater weight being given to offenses against persons, especially if personal injury resulted.

4. The prosecutive merit of the complaint.

5. The desirability of trial and disposition of the entire offense in one court when the child's associates in the alleged crime are adults or children who are to be tried as adults who will be or have been charged with a crime.

6. The sophistication and maturity of the child, as determined by consideration of his home, environmental situation, emotional attitude, and pattern of living.

7. The record and previous history of the child, including:

a. Previous contacts with the department, other law enforcement agencies, and courts;

b. Prior periods of probation or community control;
c. Prior adjudications that the child committed a delinquent act or violation of law, greater weight being given if the child had previously been found by a court to have committed a delinquent act involving an offense classified as a felony or had twice previously been found to have committed a delinquent act involving an offense classified as a misdemeanor; and
d. Prior commitments to institutions.

8. The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the child, if he is found to have committed the alleged offense, by the use of procedures, services, and facilities currently available to the court.

KANSAS JUVENILE OFFENDERS CODE 38-1636

38-1636. Prosecution as an adult; authorization.

(a) At any time after commencement of proceedings under this code against a respondent who was 16 or more years of age at the time of the offense alleged in the complaint and prior to entry of an adjudication or the beginning of an evidentiary hearing at which the court may enter adjudication as provided in K.S.A. 38-1655 and amendments thereto, the county or district attorney may file a motion requesting that the court authorize prosecution of the respondent as an adult under the applicable criminal statute.

(b) The motion may also contain a statement that the prosecuting attorney will introduce evidence of the offenses alleged in the complaint and request that, on hearing the motion and authorizing prosecution as an adult under this code, the court may make the findings required in a preliminary examination provided for in K.S.A. 22-2902 and amendments thereto and the finding that there is no necessity for further preliminary examination.

(c) Upon receiving a motion to authorize prosecution as an adult, the court shall set a time and place for hearing on the motion. The court shall give notice of the hearing to the respondent, each parent of the respondent, if service is possible, and the attorney representing the respondent. The motion shall be heard and determined prior to any further proceedings on the complaint.

(d) If the respondent fails to appear for hearing on a motion to authorize prosecution as an adult after having been properly served with notice of the hearing, the court may hear and determine the motion in the absence of the respondent. If the court is unable to obtain service of process and give notice of the hearing, the court may hear and determine the motion in the absence of the respondent after having given notice of the hearing once a week for two consecutive weeks in a newspaper authorized to publish legal notices in the county where the hearing will be held.

(e) In determining whether or not prosecution as an adult should be authorized, the court shall consider each of the following factors: (1) The seriousness of the alleged offense and whether the protection of the community requires prosecution as an adult; (2) whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner; (3) whether the offense was against a person or against property, greater weight being given to offenses against persons, especially if personal injury resulted; (4) the number of alleged offenses unadjudicated and pending against the respondent; (5) the previous history of the respondent, including whether the respondent had been adjudicated a delinquent or miscreant under the Kansas juvenile code or a juvenile offender under this code and, if so, whether the offenses were against persons or property, and any other previous history of antisocial behavior or patterns of physical violence; (6) the sophistication or maturity of the respondent as determined by consideration of the respondent's home, environment, emotional attitude, pattern of living or desire to be treated as an adult; (7) whether there are facilities or programs available to the court which are likely to rehabilitate the respondent prior to the expiration of the court's jurisdiction under this code; and (8) whether the interests of the respondent or of the community would be better served by criminal prosecution. The insufficiency of evidence pertaining to any one or more of the factors listed in this subsection shall not in and of itself be determinative of the issue. Subject to the provisions of K.S.A. 38-1653 and amendments thereto, written reports and other materials relating to the respondent's mental, physical, educational and social history may be considered by the court.

(f) The court may authorize prosecution as an adult upon completion of the hearing if the court finds that the respondent was 16 or more years of age at the time of the alleged commission of the offense and that there is substantial evidence that the respondent should be prosecuted as an adult for the offense with which the respondent is charged. In that case, the court shall direct the respondent be prosecuted under the applicable criminal statute and that the proceedings filed under this code be dismissed.

(g) If the respondent is present in court and the court also finds from the evidence that it appears a felony has been committed and that there is probable cause to believe the felony has been committed by the respondent, the court may direct that there is no necessity for further preliminary examination on the charges as provided for in K.S.A. 22-2902 and amendments thereto. In that case, the court shall order the respondent bound over to the district judge having jurisdiction to try the case.

(h) If the respondent is convicted, the authorization for prosecution as an adult may attach and apply to any future acts by the respondent which are or would be cognizable under this code if the order of the court so provides.

THE COMMONWEALTH OF MASSACHUSETTS CODE

Section 61. Trial of certain juveniles as adults; dismissal of juvenile complaint; transfer hearing

If it is alleged in a complaint made under sections fifty-two to sixty-three, inclusive, that a child (a) who had previously been committed to the department of youth services as a delinquent child has committed an offense against a law of the commonwealth which, if he were an adult, would be punishable by imprisonment in the state prison; or (b) has committed an offense involving the infliction or threat of serious bodily harm, and in either case if such alleged offense was committed while the child was between his fourteenth and seventeenth birthdays, and if the court enters a written finding based upon clear and convincing evidence that the child presents a significant danger to the public as demonstrated by the nature of the offense charged and the child's past record of delinquent behavior, if any, and is not amenable to rehabilitation as a juvenile, the court may, after a transfer hearing held in accordance with such rules of court as shall be adopted for such purpose, dismiss the complaint.

At said transfer hearing, which shall be held before any hearing on the merits of the charges alleged, the court shall find whether probable cause exists to believe that the child has committed the offense or violation as charged. If the court so finds, the court shall then consider, but shall not be limited to, evidence of the following factors: (a) the seriousness of the alleged offense; (b) the child's family, school and social history, including his court and juvenile delinquency record, if any; (c) adequate protection of the public, (d) the nature of any past treatment efforts for the child, and (e) the likelihood of rehabilitation of the child.

If the court determines that the child should be treated as a delinquent child, the court shall forthwith, on motion by or on behalf of the child, continue the proceedings until such further time as the court shall determine; provided, however, that when the child is alleged in a complaint to have violated the provisions of section one of chapter two hundred and sixty-five, the court shall make written findings upon which the determination was made to treat such child as a delinquent.

If the court orders that the delinquency complaint against a child be dismissed it shall cause to be issued a criminal complaint. The case shall thereafter proceed according to the usual course of criminal proceedings and in accordance with the provisions of section thirty of chapter two hundred and eighteen and section eighteen of chapter two hundred and seventy-eight. When such a complaint is issued, section 68 shall apply to any person committed under this section for failure to recognize pending final disposition in the superior court.

Unless the child by counsel shall waive this provision, the judge who conducts the transfer hearing shall not conduct any subsequent proceeding arising out of the facts alleged in the delinquency complaint.

Amended by St.1975, c. 840, § 1; St.1977, c. 829, § 11; St.1985, c. 744.

Section 83. Proceedings in superior court; disposition

The indictment of any person bound over under section seventy-five shall be tried before the superior court in the same manner as any criminal proceeding, and upon conviction such person may be sentenced to such punishment as is provided by law for the offense, or placed on probation, with or without a suspended sentence for such period of time and under such conditions as the court may order. But, if such person has not attained his eighteenth birthday prior to a finding or plea of guilty, the superior court may, in its discretion, and in lieu of a judgment of conviction and sentence adjudicate such person as a delinquent child, and make such disposition as may be made by a district court or a juvenile court under section fifty-eight; but no person adjudicated a delinquent child under the provisions of this section shall, after he has attained his eighteenth birthday, be committed to the department of youth services or continued on probation or under the jurisdiction of the court.

JUVENILE CASES

CASE #1: CHRIS
AGE AT TIME OF CRIME: 16
CRIME: Kidnapping, Armed Robbery, Murder

CIRCUMSTANCES: Chris and a 17-year-old friend selected a woman in her car at random because she looked "rich" (because of her hair). They followed her until she stopped, abducted her, took her cash and jewelry, and then drove her to a nearby park where they killed her. They drove her car to her home, abducted her husband, took him to the same park and killed him also. They returned to the house to pillage and ransack, and drove the victims' car around all night.

BACKGROUND: Chris has a juvenile record for vandalizing a church, using marijuana, mescaline, and alcohol, stealing a car and forcing its owner to drive it at knifepoint, selling drugs from a pharmacy, and finally the breaking and entering that netted him the guns used in the crime. He went to a Christian school and assisted teachers. He was having trouble with his girlfriend.

CASE #2: KELLY
AGE AT TIME OF CRIME: 16
CRIME: Murder

CIRCUMSTANCES: Kelly's friend, Tina, had "turned" on her. Kelly got a pistol, rigged a sling around her arm, put the gun in the sling, and went to see Tina to "apologize." After another argument, Kelly pulled out the gun, pointed it at Tina, and shot her twice. As Tina fell down the stairs, Kelly shot her three more times.

BACKGROUND: Kelly has a history of physical and sexual abuse from the age of 5. She quit school and ran away from a foster home at the age of 13. She has been completely on her own since the age of 14 and has no criminal record.

CASE #3: MARK
AGE AT TIME OF CRIME: 14
CRIME: First Degree Murder

CIRCUMSTANCES: Mark had an argument with his 20-year-old brother. He got a .20 gauge shotgun from a rack in the home, got ammunition from another room, loaded the gun and waited for his brother to come out of the bathroom. When he came out, Mark shot him once in the chest but the wound was not immediately fatal. Mark then attacked his brother with two 14-inch kitchen knives, cutting him in the head and detaching his left ear. While his brother stumbled into the street for help, Mark drove to a friend's house, confessed to the murder, and called the police.

BACKGROUND: Mark thought he was the target of constant harassment and teasing from his older brother, who tried to act as a surrogate father. Mark had tried to kill himself several weeks before with an overdose of aspirin.

CASE #4: JUDD
AGE AT TIME OF CRIME: 14
CRIME: First Degree Murder, First Degree Criminal Sexual Conduct, Armed Robbery

CIRCUMSTANCES: Judd and his 16-year-old companion waited in the parking lot of an apartment complex for a victim. A young woman, returning from a late shift at work, drove into the lot around 1 am. The boys abducted her at gunpoint, took her to a secluded area behind the apartments, raped and killed her.

BACKGROUND: Judd has a fairly substantial juvenile record, but not for violent crimes. His companion was convicted and has been sentenced to life imprisonment.

CASE #5: DAVID
AGE AT TIME OF CRIME: 9
CRIME: First Degree Murder

CIRCUMSTANCES: David got the key to his father's gun cabinet, unlocked it, took the gun and ammunition from another drawer, loaded the gun, and removed a screen from the second story of his home. He then shot a 7 year old neighbor girl in the back as she rode by on a snowmobile. She had bragged that she was better at Nintendo than David.

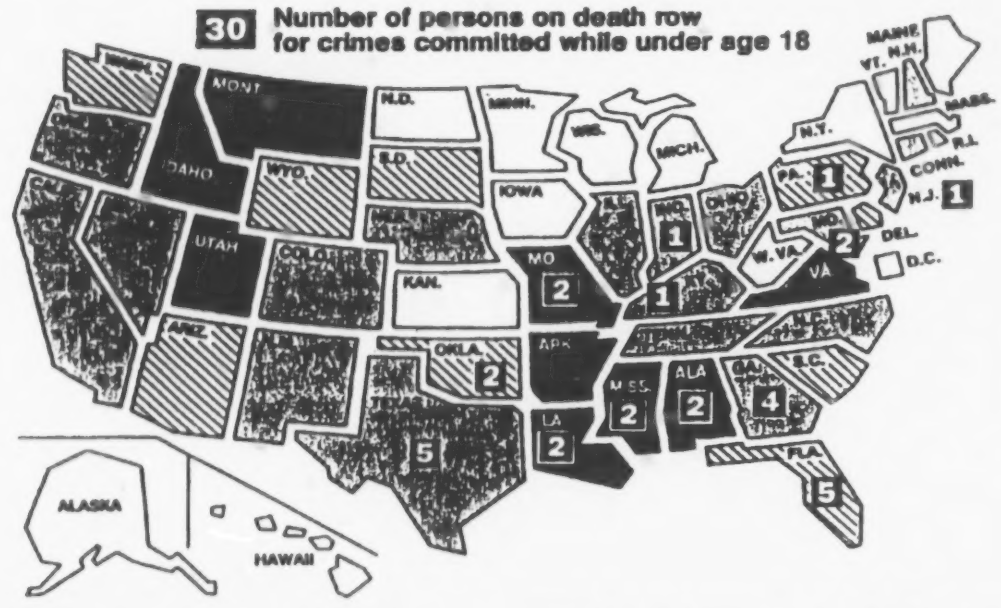
BACKGROUND: David is an honor student with no history of behavioral problems. He is a Cub Scout.

CASE #6: BRITT
AGE AT TIME OF CRIME: 13
CRIME: Open Murder

CIRCUMSTANCES: According to police, a 6-year-old brother was coloring at a table in their home when Britt shot him in the side of the head. Police believe that Britt may have been playing a form of Russian roulette with more than one bullet in the gun's cylinder when he pointed it at his brother and fired. Britt testified that he never meant to shoot his brother but admitted twirling the gun. Britt told three different versions of what happened.

BACKGROUND: In 1985, Britt, then 8, allegedly killed his older brother, Anthony, 11, with a shotgun blast to the head after an argument. Because of his age at the time, Britt was never formally charged with the murder. The family was referred for counseling.

Laws Concerning the Death Penalty for Juveniles



No death penalty for juveniles or adults

No minimum age for death penalty or to be tried in adult court

Minimum age for death penalty

Minimum age to be tried in adult court (death penalty not issued in juvenile court)

15 yrs. - Louisiana, Virginia
14 yrs. - Alabama, Arkansas, Idaho, Missouri, Utah
13 yrs. - Mississippi
12 yrs. - Montana

Source: Victor Streib, Cleveland-Marshall College of Law

Minimum Age Authorized for the Imposition of Capital Punishment, 1985

10 years	13 years	14 years	15 years	16 years	17 years	18 years	No Minimum Age Specified
Indiana	Mississippi	Maryland Missouri New Jersey North Carolina South Carolina	Arkansas Louisiana Virginia	Montana Nevada Oregon	New Hampshire Texas	California Connecticut Illinois Nebraska New Mexico Ohio	Federal Alabama Arizona Colorado Delaware Florida Georgia Idaho Kentucky Oklahoma Pennsylvania South Dakota Tennessee Utah Virginia Washington Wyoming

Source: Eddings v. Oklahoma, 102 S.Ct. (1982); Lawrence Greenfeld and David Himmers, Bureau of Justice Statistics, Capital Punishment 1984 (Washington, D.C.: U.S. Government Printing Office, 1985)

People Are Alike -- Governments Are Different

Jacqueline Kanne
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OVERVIEW
This lesson is designed to acquaint students with the section of the U.S. Constitution that deals with the rights of U.S. citizens as compared to Cuban citizens and their respective constitutions. Methods are selected to reach students with a variety of learning styles. Activities include role playing, brainstorming, and interacting with a speaker. As students debrief and engage in these activities, they use the higher thinking processes of analysis, synthesis, and evaluation.

GOALS
As a result of this lesson, students will:

- Learn the rights and responsibilities of Cuban and American citizens.
- Make a comparison of rights listed in each constitution.
- Develop a plan for acceptance of dissimilar objectives as compared to the U.S. (Example: socialized medicine)
- Predict new strategies and changes in the Constitutions to be affected by the U.S. and Cuban governments.

AUDIENCE
Grades 6, 7, and 8 (or above). Infusion areas are comparative governments, economics, and citizenship.

TIME TO COMPLETE
Five to seven days.

MATERIALS AND RESOURCE PERSONS
Notepaper, crayons or colored pencils, Frayer model, vocabulary word list, magic marker, bulletin board paper, or chalk and chalk-board, 3 x 5 cards, small prizes (candy, pencil, etc.) bag, dictionaries. Speaker: Cuban citizens who lived under Castro and socialism, if possible.

PROCEDURE
Explain that in the Cuban Constitution, freedoms are found at the beginning of the document. In the U.S. Constitution, the information on freedom is found in the first ten Amendments or "Bill of Rights." The Cuban Constitution refers to the government as the State while the U.S. Constitution refers to the government as Congress or the U.S. Government.

1. Use the word list and copies of the American and Cuban constitutions for each student. Assign the whole group or small groups to box in the words on the list for each constitution. Suggested remarks for the teacher:

> "Today we are going to locate the parts of the U.S. Constitution and the Cuban Constitution that specify or discuss citizen rights. I am going to pass out copies of the Cuban Constitution and the American Constitution. (Distribute them.) You will need a word list for today. (Pass out vocabulary list). Notice that the words are listed by 'U.S. Constitution' and 'Cuban Constitution.' Put a box around these words in the section of each constitution where the rights of citizens are specified."

2. In small groups of two or three, students will use the Frayer Model and "brainwriting" to define the boxed words. Each student will print his or her word in the circle on his or her sheet. Together, they brainwrite characteristics, non-characteristics, examples, and non-examples that can be drawn and colored in the appropriate corners. Each student then teaches the word he or she received to the other students. Frayer models are then posted around the room.

How to use the Frayer Model:
- Write the word in the center circle.
- Look up the definition.
- Follow the directions in each corner.

Instructions for brainwriting are included in the following pages.

3. In small groups, have students choose or draw from a bag a right of U.S. citizens. Have each group role-play the right. Next time around each group role-plays a Cuban right. Continue until all of the rights are portrayed. (Note: Rights are listed in each constitution. Assign a student to cut them out from extra copies.)

4. Use a game to find the age of citizenship in Cuba and in the United States. Students may answer on a sheet of paper. Award prizes to first correct answer, all correct answers, or all correct answers of students wearing a particular color. (Time: 10 minutes.)

Ask students to take out their U.S. and Cuban Constitutions and a sheet of paper. Suggested remarks for the teacher:

> "Today we are going to play a game. You will be asked to find the section that defines the voting age of citizens. When you find the age, write it on a sheet of paper. Be sure to tell which age is for Cubans and which age is for Americans. Turn it in to _____ and prizes will be awarded. READY! START!"

5. Use large circles (in a Venn Diagram) to list shared and distinct rights. The circles should be copied from chalkboard onto individual papers. The students, with whole group discussion, should place citizen rights under "U.S.A.", "Cuba," or both. Note: Remind students that if they disagree in the discussion, they are to place any particular right where they feel it belongs. Also, all students should be encouraged to be constructive about disagreement, and students may attempt to influence other students to change their positions. Have a student place majority agreement on rights in circles on white or colored bulletin board paper. Post the results. (Time: 35 - 45 minutes.)

6. Assignment: Two or three questions from each student for a guest speaker. Invite a guest speaker to discuss rights of citizens in Cuba. Preferably, this would be someone who has lived in Cuba under Castro and socialism.

EVALUATION

Use the attached RAFT cards in small groups (four or five students). Each card directs an activity. Each group will complete one American and one Cuban activity. Groups will role play or report to class. (Time: 20-30 minutes.)

Begin a RAP that the students can continue to show an understanding of citizens' rights. Example: The Constitution is for the people. Will they worship near the steeple? Or will the people weep, oohhh?

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Franklin, Paula A. *Our Nation's Constitution:* School House Press, 1986.

Statistics Survey Directory, *The Europer World Yearbook* (Vol. 1, Europer Publications Limited, Pub. Stapler, Printer, Rochester, Limited, Love Lane, Rochester, Kent, England, 1989) p. 810-812.

VOCABULARY

U.S. CONSTITUTION

1. affirmation
2. indictment
3. due process of law
4. compensation
5. grand jury
6. jeopardy
7. seized
8. compensation
9. criminal prosecution
10. impartial jury
11. ascertained
12. excessive bail
13. enumeration
14. petition
15. redress of grievances
16. militia
17. keep and bear arms
18. infringed
19. quartered
20. prescribed
21. unreasonable search and seizure
22. violated
23. warrants
24. issued
25. probable cause
26. respecting
27. establishment
28. free exercise
29. abridging
30. peaceably to assemble
31. capital crime

CUBAN CONSTITUTION

1. socialist state
2. production
3. residence
4. possessions
5. material and cultural needs
6. naturalization
7. guarantees
8. citizenship acquired
9. association
10. earnings
11. eligible
12. mentally incapacitated

Cuba's Constitution

[Following the assumption of power by the Castro regime on January 1, 1959, a Fundamental Law of the Republic was instituted. Cuba's first socialist Constitution was approved by the first Congress of the Communist Party of Cuba in 1975 and by popular referendum in 1976.]

Political, Social, and Economic Principles

The Republic of Cuba is a socialist state in which all power belongs to the working people. The Communist Party of Cuba is the leading force of society and the state. The socialist state carries out the will of the working people and guarantees work, medical care, education, food, clothing, and housing. The Republic of Cuba is part of the world socialist community. It bases its relations with the Union of Soviet Socialist Republics and with other socialist countries on socialist internationalism, friendship, co-operation, and mutual assistance. It hopes to establish one large community of nations within Latin America and the Caribbean.

The State organizes and directs the economic life of the nation in accordance with a central social and economic development plan. Foreign trade is the exclusive function of the State. The State recognizes the right of small farmers to own their lands and other means of production and to sell that land. The State guarantees the right of citizens to ownership of personal property in the form of earnings, savings, place of residence, and other possessions and objects which serve to satisfy their material and cultural needs. The State also guarantees the right of inheritance.

Cuban citizenship is acquired by birth or through naturalization. The State protects the family, motherhood, and matrimony. The State directs and encourages all aspects of education, culture, and science. All citizens have equal rights and are subject to equal duties. The State guarantees the right to medical care, education, freedom of speech and press, assembly, demonstration, association, and privacy. In the socialist society, work is the right and duty, and a source of pride for every citizen.

Government

The National Assembly of People's Power (National Assembly) is the supreme organ of the State and is the only organ with constituent and legislative authority. It is composed of deputies over the age of 18 elected by the Municipal Assemblies of People's Power, for a period of five years.

All Cuban citizens over the age of 16, except those who are mentally incapacitated or who have committed a crime, are eligible to vote. The National Assembly molds two ordinary sessions a year and a special session when requested by one-third of the deputies or by the Council of State. More than half the total number of deputies must be present for a session to be held.

All decisions made by the Assembly, except those relating to constitutional reforms, are adopted by a simple majority of votes. Deputies may be recalled by their electors at any time.

The National Assembly (NAPP) has the following functions: to reform the Constitution; to approve, modify, and annul laws; to supervise all organs of the State and government; to decide on the constitutionality of laws and decrees; to revoke decree-laws issued by the Council of State; to discuss and approve economic and social development plans, the state budget, monetary, and credit systems; to approve the general outlines and foreign and domestic policy, to ratify and annul international treaties, to declare war and approve peace treaties; to approve the administrative division of the country; to elect the President, First Vice-President, the Vice-Presidents, and other members of the Council of State; to elect the President, Vice-President, and Secretary of the National Assembly; to appoint the members of the Council of Ministers on the proposal of the President of the Council of State; to elect the President, Vice-President, and other judges of the People's Supreme Court; to draw up the draft state budget; to conduct general administration, implement laws, issue decrees, and supervise the defence and national security. The Council of Ministers is accountable to the National Assembly.

Local Government

The country is divided into 14 provinces and 169 municipalities. The provinces are: Pinar del Rio, Habana, Ciudad de la Habana, Mantanzas, Villa Clara, Cienfuegos, Sancti Spiritus, Ciego de Avila, Camaguey, Las Tunas, Holguin, Granma, Santiago de Cuba, and Guantanamo.

Voting for delegates to the municipal assemblies is direct, secret, and voluntary. All citizens over 16 years of age are eligible to vote. The number of delegates to each assembly is proportionate to the number of people living in the area. A delegate must obtain more than half the number of votes cast in the constituency in order to be elected. The Municipal Assemblies are elected for a period of two-and-a-half years and are headed by Executive Committees elected from the members of the Municipal Assemblies. The members of the Executive Committees form five Regional Assemblies and the members of the Regional Assemblies in turn form Provincial Assemblies also headed by Executive Committees.

Membership of regional and provincial executive committees is proposed by a Commission of Communist Party members and youth and trade union representatives. The President and Secretary of each of the regional and provincial assemblies are the only full-time members, the other delegates carrying out their functions in additional to their normal employment.

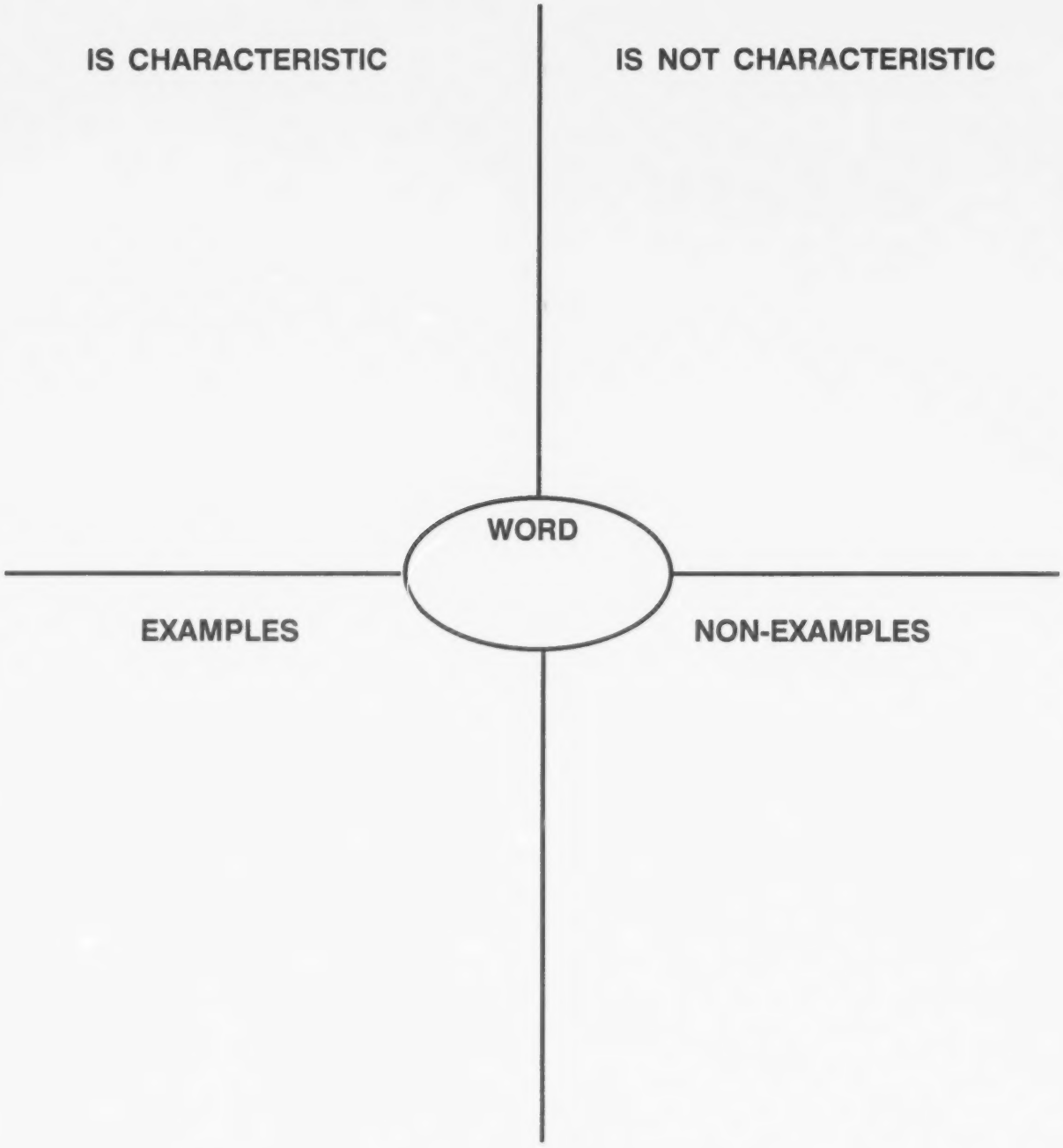
The regular and extraordinary sessions of the local Assemblies of People's Power are public. More than half the total number of members must be present in order for agreements made to be valid. Agreements are adopted by simple majority.

Judiciary

Judicial power is exercised by the People's Supreme Court and all other competent tribunals and courts. The People's Supreme Court is the supreme judicial authority and is accountable only to the National Assembly. It can propose laws and issue regulations through its Council of Government. Judges are independent but the courts must inform the electorate of their activities at least once every year. Every accused person has the right to a defence and can be tried only by a tribunal.

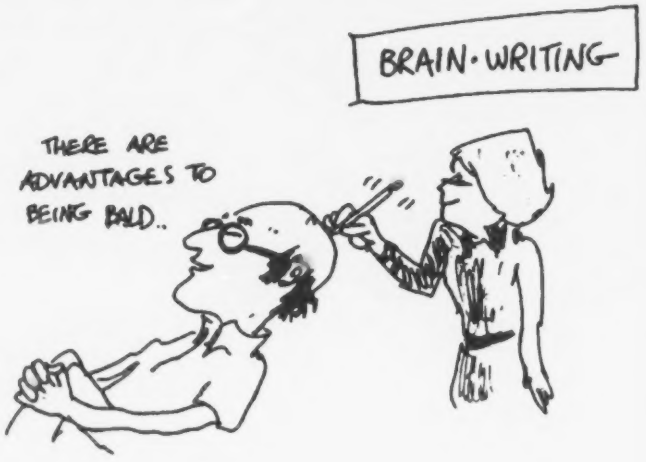
The Office of the Attorney-General is subordinate only to the National Assembly and the Council of State and is responsible for ensuring that the law is properly obeyed.

The Constitution may be totally or partially modified only by a two-thirds majority vote in the National Assembly. If the modification is total, or if it concerns the composition and powers of the National Assembly or the Council of State, or the rights and duties contained in the Constitution, it also requires a positive vote by referendum.



FRAYER MODEL

BRAINWRITING



1. Participants do not talk to each other. They write their ideas.

2. Each person has a "Brainwriting" form, and an extra form is placed in the middle of the table.

3. Observe the four brainstorming rules:

   a. Criticism is ruled out. Adverse judgments of ideas must be withheld.

   b. Freewheeling is welcome. The wilder the idea, the better. It is easier to "tame down" than to "think up." Do not be afraid to say anything that comes to mind. This will stimulate more and better ideas.

   c. Quantity is desired. The greater the number of ideas, the greater the likelihood of producing one which is innovative. Come up with as many as you can.

   d. Combination and improvement are sought. You can use ideas previously suggested to build upon or to join together into still better ideas.

4. When told to begin, write three ideas across row one (11, 12 & 13).

5. When you have written down three ideas, place the form in the middle of the table. Pick up a form someone else has discarded. Do not continue on the form you just used. Wait for one whose last three ideas are not your own. (The first person to place the form in the middle of the table should pick up and use the extra form.)

6. Write down three more ideas across row two (21, 22 & 23). These can be three new ideas or ideas stimulated by those already written down. These ideas can also be additions to or combinations of previous ideas.

7. Proceed as in steps 4, 5, and 6, down each row, until you are told to stop.

Adapted from "Instructions for Brainwriting" by the Center for Creative Leadership.
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BRAINWRITING CHART

11	12	13
21	22	23
31	32	33
41	42	43
51	52	53
61	62	63
71	72	73

Adapted from a form prepared by the Center for Creative Leadership and attributed to Bernd Rohrbach. Rohrbach's form appeared in print in Johansson, B., *Kreativitat and Marketing* (H. Kern AG: Switzerland, 1978). Reprinted by permission from the Center for Creative Leadership, Greensboro, North Carolina. Copyright©1979.

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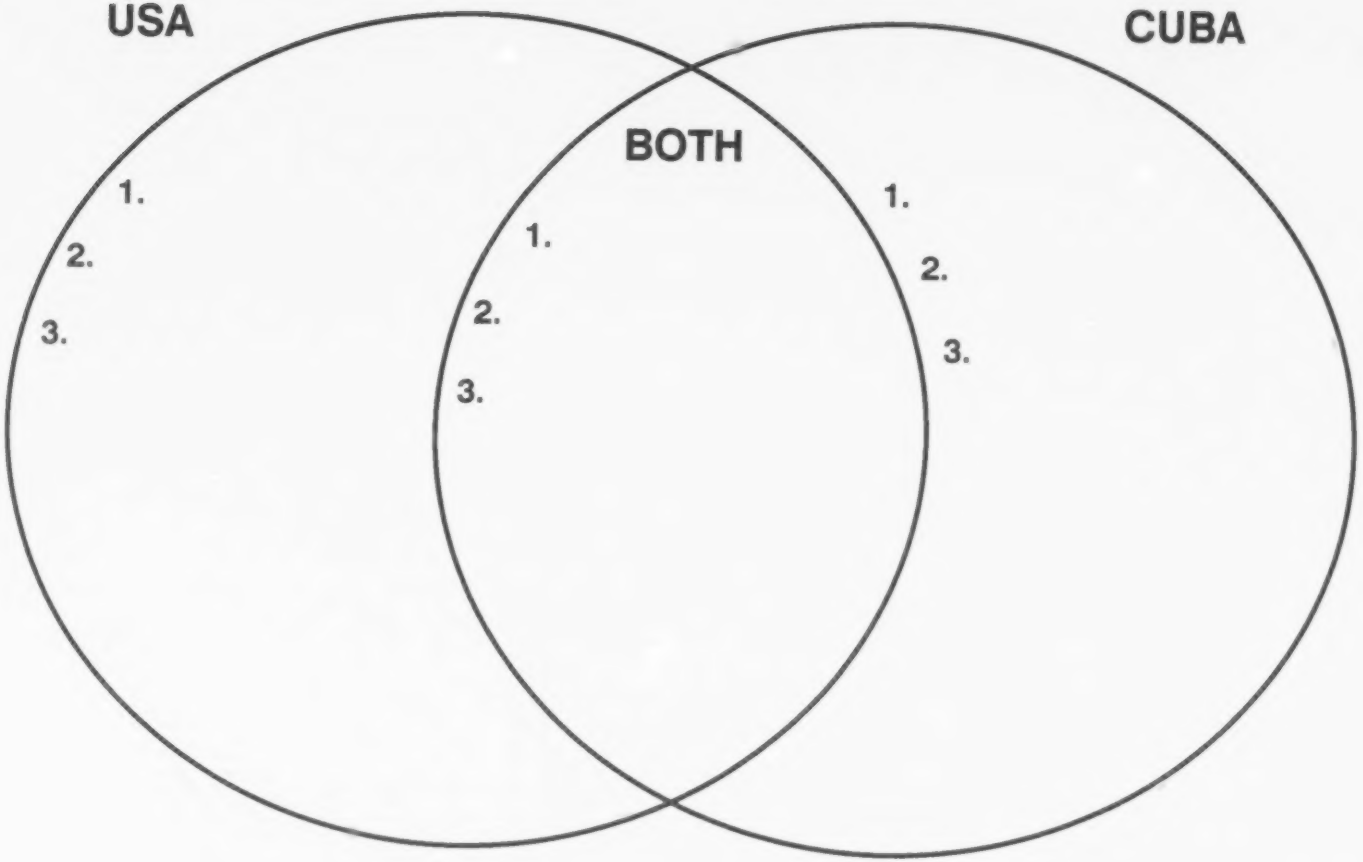

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VENN DIAGRAM

RAFT CARDS - Paste all RAFT information on 3" X 5" cards. [RAFT = Role, Audience, Format, Topic.]

RAFT

Role: Citizen of the USA
Audience: Relative in Cuba
Format: Gossip
Topic: Conditions in my country

RAFT

Role: Citizen of the USA
Audience: Relative in Cuba
Format: Newscast
Topic: Conditions in my country

RAFT

Role: Citizen of the USA
Audience: Relative in Cuba
Format: Diary entry (a day in the life of ...)
Topic: Conditions in my country

RAFT

Role: Citizen of the USA
Audience: Relative in Cuba
Format: A friendly letter
Topic: Conditions in my country

RAFT

Role: Citizen of the USA
Audience: Relative in Cuba
Format: Headlines in my newspaper
Topic: Conditions in my country

RAFT

Role: Citizen of the USA
Audience: Relative in Cuba
Format: A grocery list
Topic: Conditions in my country

RAFT

Role: Citizen of Cuba
Audience: Relative in the USA
Format: Gossip
Topic: Conditions in my country

RAFT

Role: Citizen of Cuba
Audience: Relative in the USA
Format: Newscast
Topic: Conditions in my country

RAFT

Role: Citizen of Cuba
Audience: Relative in the USA
Format: Diary entry (a day in the life of ...)
Topic: Conditions in my country

RAFT

Role: Citizen of Cuba
Audience: Relative in the USA
Format: A friendly letter
Topic: Conditions in my country

RAFT

Role: Citizen of Cuba
Audience: Relative in the USA
Format: Headlines in my newspaper
Topic: Conditions in my country

RAFT

Role: Citizen of Cuba
Audience: Relative in the USA
Format: A grocery list
Topic: Conditions in my country

The Role of the Police in Japan

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OVERVIEW
In this lesson, students use the role of the policeman in Japan as a lens to examine cultural values different from their own. By examining a day in the life of a Tokyo policeman, students learn about the role of the police in maintaining social order in Japan. Furthermore, students learn that the roles of police and citizens in maintaining order reflect a culture's most important values.

GOALS

- Students identify group order and harmony as a value important to the Japanese people and individual privacy from governmental interference as a cultural value important to Americans.
- Students learn that the role of police in maintaining social order reflects values important to a society.

AUDIENCE
Secondary level.

TIME TO COMPLETE
One class session.

MATERIALS
1. PBS video from Faces of Japan Series I, "Diary of a Police Post" (1/2 hour viewing time).
2. Student handout, "Crimes, Safety and the Police Box" (*Time*, August 1, 1983).

PROCEDURE
1. Begin the lesson by asking students what they have heard or read about crime rates in Japan. Encourage them to make guesses about crime rates in Japan based on whatever they know.

2. Distribute the handout on the Police Box and discuss the police box system. Use the questions listed below the article to check for student understanding.

3. Introduce the video, "Diary of a Police Post," by telling students the video is a "day in the life" of one Tokyo policeman who works at a police box (koban) like the one described in their reading.

4. Tell students that they will make a list of every aspect about the Japanese policeman's job and citizens shown in the video that cause them to be envious or jealous about crime rates in Japan from their own point of view. (For example, the narrator explains that there are virtually no guns in Japan; success rates of solving crimes is high; policemen know their communities very well; citizens seem very honest and cooperative, etc.)

5. After viewing, share student lists and create one that represents the class ideas about the Japanese police and citizens that cause them envy. Post this list or write it on the chalkboard.

6. Create a second list by asking students to identify anything they saw in the video about Japanese police that would "bother them" as U.S. citizens. *(Ex., to focus on the importance U.S. citizens place on privacy from governmental interference, ask students if they think the police in Japan know too much about individual citizens? Are the police more visible in Japan than in the U.S.? How do students feel about the cameras throughout the city?)*

7. Next, ask students to hypothesize why Japanese citizens might not be bothered by what we would consider government intrusions into our lives. Ask students to identify all the cooperative behaviors between citizens and the police in Japan (helping the police to maintain accurate records of their neighborhoods, assisting them in solving crimes, opening their homes). Do students think that Japanese people value group order and harmony in their cities? How might this high value placed on group order and harmony in Japan account for their low crime rate?

8. Ask students to summarize how the role of police in both Japan and the U.S. reflects cultural values important in each society. Given what they now know about the role of police and citizens in reporting and reducing crime in Japan, ask students to consider whether the police-box system could be successfully adopted by the U.S.

9. To extend this lesson, students can prepare a short position paper in which they support or refute the adoption of the police-box system in large U.S. cities as a means for reducing high crime rates. Do students view police systems and methods of maintaining order as connected to the cultures in which they developed? How are values important to a given culture reflected in the ways of maintaining order and the role of police?

This lesson was originally developed for the project, "Culture-Focused Law-Related Education," Social Science Education Consortium, Boulder, CO, 1991.

Crimes, Safety and the Police Box

Source: *Time* Magazine, August 1, 1983

"Where's my pet monkey, Mimi?" squeaked an elderly woman wrapped in a bright pink kimono.

"Someone's stolen my wallet, and I can't buy myself a train ticket home," moaned a lanky teenager.

"My man's drunk again and beating me!" screamed a woman over the telephone. "*Tasukete!* [help!] *Hayaku!* [make it quick!]"

For the two officers stationed at the Ochanomizu police box in the heart of Tokyo, the complaints were typical. Within 15 minutes they had soothed the bereft woman with a promise to be on the lookout for her pet (it was found), lent the penniless youth 560 yen ($2.33) from a special emergency fund in exchange for a signed IOU (four out of five such loans are repaid), and radioed for a patrol car to break up the marital battle. Said Sergeant Shigeo Takahashi, grinning with satisfaction,: "You stand here for a quarter of an hour, and you can do as deep a study of life as is possible."

Indeed, the police box, or *koban*, is an integral feature of Japanese existence. It traces its origin to the network of *bansho* (checkpoints) set up by samurai who protected the populace in feudal times.

Today, throughout Japan, there are 15,600 boxes (actually tiny one-room offices set up on street corners), each serving about 10,000 residents. Tokyo alone has 1,244 and considers them so crucial to the public welfare that they are staffed by 15,000 police officers, one-third of the city's police force.

In addition to their traditional duties of patrolling through neighborhoods and apprehending criminals, officers:

- give out directions,
- process lost-and-found articles,
- control traffic,
- summon aid for drunks,
- settle domestic disputes, and
- regularly drop in on senior citizens living alone.

Says Teiji Soeno, an administrator of the system in Tokyo: "The police have to be a part of the community, or it would be impossible to make it a safe city."

The success of the police box system is reflected in Japan's startlingly low crime statistics. In 1980 there were 1.4 murders per 100,000 people, compared with 10.2 per 100,000 in the U.S. The incidence of robbery was 1.9, compared with 234.5 in the U.S. Violent crimes of any kind are rare, in fact. Another reason: strict gun control laws, which allow no civilian to own a gun except for hunting.

Impressed with the Japanese success, Singapore has installed police boxes, and San Francisco is studying the feasibility of adopting the system. Tokyo's Soeno thinks this is a Japanese development the U.S. would do well to copy. His view: "If ours is among the safest countries in the world, the police box is one of the fundamental reasons."

- *What were some of the crimes or disturbances mentioned in this article, and how successful were the police in solving them?*
- *Do the statistics cited in this article coincide with your guesses about crime rates in Japan?*
- *What characteristic of Japanese police does the author of this article think accounts for Tokyo being such a safe city?*

To Change or Not to Change: That's the 21st Century Question

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OVERVIEW

Constitutional requirements to be President, to serve in Congress, or to be appointed to the U.S. Supreme Court have not changed since the Constitution was written. Are the current requirements appropriate for the year 2000 and beyond? This is one of the questions to be explored in this activity.

Students will also look at the suitability of current Constitutional language concerning the number of terms or length of appointments for application in the 21st century and beyond.

This lesson is appropriate for a government or civics class, after students have acquired a working knowledge of the structure and function of the three branches of government. Students should also have had prior group work experience with assigned roles or jobs in the group. The teacher could structure an activity prior to this one to introduce and practice group roles.

GOALS

- Students, applying their knowledge of the structure and function of the three branches of government and anticipating life in the year 2000 and beyond, will discuss and evaluate future Constitutional language needs.

- Students will practice group work skills in arriving at a consensus and working to identify and to clarify the group's positions.

AUDIENCE

This lesson is appropriate for grades 8-12, depending on government/civics training of the students.

TIME TO COMPLETE

One class period of about 50 minutes.

MATERIALS AND OUTSIDE RESOURCES

1. Each student needs a copy of the U.S. Constitution and its Amendments.

2. Overhead, chalk board, or butcher paper.

3. Overhead pens, chalk, or white line markers.

PROCEDURES

1. The teacher reviews current Constitutional language regarding requirements for public service (age, citizenship, or residency). The teacher also reviews the term and length of service limitations for the Presidency and the lack of limits for terms of Congress or appointment to the Supreme Court.

2. The teacher and students brainstorm changes and major developments of the past 200 years that might necessitate or encourage a change in Constitutional requirements or lengths of terms. The teacher should put a list of these changes on the board, overhead, or on the butcher paper so all students may easily see them. The teacher should solicit responses in a variety of areas including family and societal changes, governmental, defense, and foreign relations changes, and changes in issues and degree of responsiveness expected by the people.

3. The teacher then divides students into "Constitutional Study Groups." (Five students per group is suggested.) Each group member has a job or responsibility in the group:

Recorder -- writes down information, ideas
Reporter -- orally reports for the group
Encourager -- encourages all to participate and offer ideas (i.e., Jill, what do you think? Bill, you haven't had a chance to give your ideas, yet)
Task Checker -- keeps group on the topic
Clarifier/Questioner -- keeps questions/answers clear; asks for details.

Giving each group member a role encourages responsibility to the group and, with practice, facilitates the work of the group. Students may be assigned roles or may choose their own.

4. Each group examines current Constitutional language in light of 200 years of people and events. Groups examine Constitutional requirements for each branch of the federal government and decide whether to maintain or to revise the language. Groups ask themselves whether current age, residency, and citizenship requirements, if any, are appropriate.

If the group retains current language, justification for retention must be stated. (The teacher may wish to specify a certain number of reasons.) If the group decides to revise language, the group must agree on the revision and state reasons supporting the revisions. The group could both maintain and revise some language, only maintain current language, or scrap all current language and completely re-write the provisions.

Each group then examines limits on numbers of terms or years for the President and the lack of Constitutional limits for terms in Congress or appointment to the Supreme Court. Groups decide what limits, if any, should be placed on the number of terms one may serve in the House or Senate or the number of years for which one may be appointed to the Supreme Court. Justification for the groups' decisions must be provided. Groups could maintain current language, maintain and add language, or scrap all current language and completely re-write.

Depending on age and background knowledge of students, group work should take about 15 or 20 minutes.

5. Groups report. The teacher should write down answers from group reporters on overhead, chalk board, or butcher paper. A different color marker/chalk could be used for each group and groups should rotate the "chance to start" on answering questions. First gather all responses for the Constitutional requirements to be President, second, all the Constitutional requirements to serve in Congress, and then all the requirements to be a member of the U.S. Supreme Court. A similar sequence should be repeated for limits on terms of appointment. Doing so better focuses student attention and keeps the task of recording questions and responses more manageable. The teacher should encourage appropriate interchange among groups and prompt groups with questions and clarifications. Discussion should be directed towards retaining or changing language and the appropriateness of these decisions for the 21st century.

6. The teacher and students should, from written lists, identify common and divergent group viewpoints on items retained or changed and the reasons for such positions. A class vote could be taken to determine class positions. This information could be recorded in each class and all the classes compared the next day. This would increase the number of contributing viewpoints and perhaps provide a perspective in one class not brought up in another.

REFLECTIONS ON THE LESSON

Few materials and little advance teacher preparation is required for this activity. It does require, however, a fair amount of structure or direction during the activity. It is critical that each group cover all its tasks and that, upon reporting, be listened to without disruption or interruption. Interchange among groups works best when groups have finished reporting on a single question and before a new question is answered.

A creative final activity for this lesson might be to have students write a letter to the editor outlining their own (or their group's) point of view on these issues or to design a political cartoon or the copy to a one-minute radio commercial stating their viewpoint.

A less time-consuming activity would be for students to list the good and bad points of retaining current language and the good and bad points of the proposed changes of the group or class. Five minutes or less at the end of the activity could be set aside to do this. It could be done orally with the class as a whole, in writing individually, or in the students' groups.

RELEVANT CONSTITUTIONAL PROVISIONS

U.S. REPRESENTATIVES (Art. I § 2)
Min. Qualifications: 21 years of age, U.S. citizen seven years, and resident of represented state.
Term: 2 years.

SENATORS (Art. I § 3)
Min. Qualifications: 30 years of age, U.S. citizen nine years, and resident of represented state.
Term: 6 years.

PRESIDENT (Art. II)
Min. Qualifications: 35 years of age, U.S. citizen 14 years, and natural-born citizen or citizen at the time of the adoption of the Constitution.
Term: 4 years. (Amendment XXII: No more than two terms.)

JUDGES (Art. III)
Min. Qualifications (retention): "Good Behaviour."
Term: Varies with level (not governed by Constitution).

The U.S. Constitution and Its British Background

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OVERVIEW
Students in a democratic society such as ours often view the subject of "government" as something set in concrete. Since most of what they learn comes from the printed word, they believe that, like a mathematical formula, government operates a particular way and always will. They fail to realize that rules under which they live did not just "spring up" one day. They should know these rules are the product of years of trial and error. They need to know that the result of putting those ideas and experiences into practice is an effort to provide for the common good.

The major objectives of this unit are to give the students knowledge of how our hybrid government developed from the foundation laid by our British cousins, the basis for comparing our basic rights and laws with those of Britain, how time changes concepts and thus the laws under which we live, how the elements of our basic government affect our lives, and how today's ideas affect the content of future laws.

GOALS

- Trace the evolution of the concepts of individual rights and limited government through the British experience to our own.
- Compare and contrast the ideas of limited government and individual rights in the U.S. Constitution with the documents that make up the British "constitution."
- List the parts of the British documents and the U.S. Declaration of Independence and Constitution that are no longer "burning issues" for today's society.
- Identify major questions of today that reflect some of the same problems facing Great Britain and the United States in the 17th and 18th centuries.

AUDIENCE
Grades 10 to 12.

TIME TO COMPLETE
Three to four periods.

MATERIALS

- Handout
- Copy of the United States Constitution and
- Declaration of Independence
- The Federalist Papers (at least one copy)
- Other resources--American and English history books.

PROCEDURE
Distribute the handout and give a study assignment that includes the handout, Sections eight and nine of the U. S. Constitution, the first eight Amendments to the U. S. Constitution, and the list of reasons for the separation from England as given in the Declaration of Independence.

Day One
Divide the class into groups. Using the class setting, the groups should concentrate on the following assignments:

A) a comparison study of the handout with Sections 8 and 9 of the U.S. Constitution citing specific similarities.

B) a comparison between the handout and the first eight amendments of the U.S. Constitution.

C) final comparison should occur between the handout and the reasons for separation as listed in the Declaration of Independence.

D) using English history books a background search could be made into the cultural, social and political time in England in 1215.

E) a similar background search could be made of the 1620s through the 1680s in England.

F) using American history books, background for the American cultural, social, and political lives should be prepared for the 1620s through 1680s.

G) again using American history books similar background information should be presented for the 1770s through the 1780s.

H) use two essays (teacher's choice) from the Federalist Papers to show framers' ideas for the U.S. Constitution.

Day Two

Reports from the various groups should be given. Students should be directed to ask questions about the reports and take notes on them. Tip: Teachers could expand this unit by encouraging innovative presentations that could include charts, videos, role playing, artworks, etc.

Class discussion should take place. The following ideas could be included:

- a comparison of the culture and needs of those living in the British Isles and those in the American Colonies during the time periods given.
- both direct and indirect items from the handouts and U. S. documents that show similarities.
- identification of rights that were major issues to the English and Americans in the 17th and 18th centuries that are no longer strong concerns.
- rights of the 17th and 18th centuries that are in the forefront of today's, or will be tomorrow's, political questions.

Tip: The teacher can use current news items to generate discussion. Examples:

- Does a teacher in Point Pleasant, West Virginia have to wear a tie?
- How long should a mother be in jail for refusing to obey a court order to disclose the whereabouts of her daughter?
- Should school authorities have the right to search student lockers without legal restrictions?
- How much freedom of speech should be in classrooms?
- Do school newspapers have freedom of the press?

Tip: The teacher could expand this unit by allowing more time for classroom preparation, presentation, or discussion.

EVALUATION

A student notebook that should contain:

1. A description of the individual student's contribution to the group project.
2. Summary of the ideas and beliefs that helped create the constitutional documents of Great Britain and America.
3. Notes on each group's presentation.
4. A chart showing direct and indirect relationships between the British and U. S. documents.
5. Lists of rights that are no longer in the forefront of politics.
6. Identification of two present Constitutional rights, questions with comments on why they are current issues, and the student's own thoughts about them.

The teacher may want the student to use an essay exam for evaluation. Topics could include:

- comparison of the British and U.S. rights
- history behind the formation of the U.S. Constitution
- current issues based on these rights, etc.

HANDOUT: BRITISH BACKGROUND

British law is not as formalized as that in the United States. It is based on common law (judicial decisions and rules of customs); convention (rules that govern behavior and political precedent); statutory law (acts of Parliament); and works of authority (books that address issues of constitutionality). Many believe there is no constitution in Britain because there is no written document that forms the basic law of the land. There is no special status given a particular law as is given the U. S. Constitution which no other law or action can violate. Naturally this means there is no process similar to the right of judicial review of U. S. Supreme Court to determine if basic constitutional law has been violated. However, there are a series of statutes that are the basis for government in Great Britain. Three of these are listed in abbreviated form. All three pre-date the U. S. Constitution by at least a hundred years.

MAGNA CARTA (1215)

This document contained sixty-three sections and mostly applied to the nobility but was the forerunner of basic rights in England and thus those in the United States.

- the king and thus his government are not above the law
- no freedman can be detained or punished without "lawful judgement of his peers"
- right and justice cannot be denied or delayed to anyone
- merchants can trade without heavy tolls
- a Common Council of 25 was established to enforce the agreement

ENGLISH PETITION OF RIGHT (1628)

(established by a redress of grievance method)

- there can be no quartering of soldiers in private homes in peace time
- no martial law in peace time
- no imprisonment without cause
- the king cannot collect a gift, loan, or benevolence tax or similar charge without consent of Parliament
- the king must govern according to law

THE ENGLISH BILL OF RIGHTS (1689)

- citizens have the right of petition
- habeas corpus cannot be suspended
- citizens have the freedom to bear arms
- the king must have the consent of Parliament to support a standing army
- the king cannot suspend the laws

Terms to identify:

habeas corpus
tribunal
militia
capitation
Bill of Attainder
quarter troops
ex post facto
Letters of Marque and Reprisal

The U.S.S.R.: A Democratic Constitutional Government?

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OVERVIEW

This lesson plan teaches students the concept of constitutional government and what is actually necessary for a government to be considered a constitutional government. It differentiates the constitutional government from an autocratic or dictatorial government.

To do this, a study of the Soviet Constitution, the Declaration of Independence, and the United States Constitution is undertaken. Numerous methods are suggested that appeal to many learning styles, including small group work, group and class discussion.

GOALS

As a result of this lesson, students will:

- be able to explain the concepts of constitution and constitutional government.
- learn the essential characteristics of constitutional governments which differentiate them from autocratic or dictatorial governments.
- understand the difference between a constitutional government and a government with a constitution.
- learn the unenforced democratic qualities of the Soviet Constitution.

AUDIENCE

This lesson can be used at the middle school, high school, and university level. It is relevant to U.S. History, World History, Government, Civics, and most social studies classes. Because of the evaluative nature of the lesson and group techniques used, it is also recommended for special learning environments such as learning disabilities classes.

TIME TO COMPLETE

This can be done easily in one class period, but can be expanded to two.

MATERIALS

1. Blackboard (or overhead projector, chart, etc.)
2. Handout on the Model Constitution.

PROCEDURE

I. Discuss the following:

A. Ask the class how they would define the word, "constitution." The following definitions may be used:

(1) a plan for government.

(2) a set of customs, rules, laws, traditions, and concepts that describe the way a government is organized and operated.

(3) a framework for government composed of customs, rules, laws, traditions, and documents that describe the organization of government.

B. Explain that most constitutions are written, but some are only partially unwritten or totally unwritten. For example, Great Britain's Constitution is partially written. Still, every nation has a constitution no matter how good or how bad, even if it is not written. Some of the worst governments have constitutions that list basic rights of citizens, but they do not follow the list.

C. When you study the constitution of a government, you should learn the answers to a number of questions:

(1) How is it organized?
(2) What are its purposes and how does the government carry these out?
(3) How is government involved in economics (laissez faire, mixed economy, etc.)?
(4) Who are its citizens?
(5) What controls are there on governmental power?
(6) What responsibilities do citizens have?

II. This section of the lesson plan looks at the Soviet Constitution and the concept of constitutional government.

There are four methods that are suggested to carry out this section of the lesson and you should choose the one that most meets the learning style needs and the group personality of your particular class. Two involve groups and one involves class discussion. The fourth may use any of the other three techniques.

Begin each by telling the class that the excerpts from the handout are taken from a constitution that was written a number of years ago and has been touted as the most progressive and forward-looking constitution ever written. It was said that it protected human rights better than any constitution in history and was to be a model for countries that wanted to change their government to a truly constitutional government. It has been called the model constitution. DO NOT TELL STUDENTS AT THIS TIME THAT THIS IS THE SOVIET CONSTITUTION.

(1) In the first group method, divide the class into small groups (3 to 4) and have them take the handout and go through each Chapter and Article. The group must decide whether it approves or disapproves of the excerpt and why. Then after each clause is discussed, have the group vote whether the Constitution as a whole is acceptable or not. After this, discuss each clause with the class and allow group input. Then go to closure.

(2) The second group method also involves groups of three to four. Read each section of the "model constitution" to the class and have the group discuss it. Then have students decide if they want to keep the clause as is, modify it, reject it, or write another. At end of discussion have class vote whether they like the constitution as a whole or not. Then go to closure.

(3) In this method, treat the class as a whole. Read each clause and invite comments. After discussion of each clause, vote on it to determine whether the class feels that it is an acceptable clause in an ideal constitution. Keep a running total of approvals and disapprovals on the board. When finished, have students vote on whether they like the constitution as a whole or not. Then go to closure.

(4) This procedure is the most comprehensive of the four and is highly recommended. Use any of the above three methods, but in addition to following those instructions have students look at each clause of the "model constitution" and find a similar clause in the United States Constitution if there is one. On the clauses which are not found in the U.S. Constitution, discuss with the class whether it should be. At the end of the discussion, ask the class to vote on whether they like the so-called "model" constitution or not. You may want to ask them to vote on which constitution they like the best -- the U.S. Constitution or the "model" constitution.

CLOSURE

(1) After students have voted on whether they like the "model" constitution or not (they usually will overwhelmingly vote for it), tell the students that this is the Constitution of the U.S.S.R. as adopted October 7, 1977.

(2) Ask students if having a constitution is the same as having a constitutional government? Discuss the issue. Ask, "if a constitution provides for the unlimited exercise of political power, by one, a few, or even many, do you have a basis for a true constitutional government?" (answer is no). Also ask, "If a constitution says it is to be limited, but does not include ways to enforce those limitations, do you have a constitutional government?" (answer is no). Finally, try to determine a good definition of a constitutional government. (It should bring into account the answers to the above questions and what students learned from the lesson.)

EXCERPTS FROM THE MODEL CONSTITUTION

Preamble excerpts: "It is a society in which the law of life is concern of all for the good of each and concern of each for the good of all." "It is a society of true democracy, the political system of which insures effective management of all public affairs, ever more active participation of the... people in running the state, and the combining of citizens' real rights and freedoms with their obligations and responsibility to society."

Chapter 1, Article 2: "All power... belongs to the people."

Chapter 1, Article 5: "Major matters of state shall be submitted to nationwide discussion and put to a popular vote." (referendum)

Chapter 2, Article 13: "The personal property of citizens and the right to inherit it are protected by the state."

Chapter 3, Article 20: "The state pursues the aim of giving citizens more and more real opportunities to apply their creative energies, abilities, and talents, and to develop their personalities in every way."

Chapter 3, Article 23: "The state pursues a steady policy of raising peoples' pay levels and real incomes through increase in productivity."

Chapter 4, Article 28: "...war propaganda is banned."

Chapter 6, Article 33: "Citizens... are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status. The equal rights of citizens... are guaranteed in all fields of economic, political, social, and cultural life."

Chapter 6, Article 35: "Women and men have equal rights.... Exercise of these rights is ensured by according equal access with men to education and vocational and professional training, equal opportunities in employment, remuneration, and promotion... by legal protection, and material and moral support for mothers and children, including paid leaves and other benefits for expectant mothers... and gradual reduction of working time for mothers with small children."

Chapter 7, Article 39: "Citizens... enjoy in full the social, economic, political, and personal rights and freedoms proclaimed and guaranteed by the Constitution... and by... laws. The... system ensures enlargement of the rights and freedoms of citizens and continual improvement of their living standards as social, economic, and cultural development programs are fulfilled."

Chapter 7, Article 40: "Citizens... have the right to work (that is, to guaranteed employment and pay...), including the right to choose their trade or profession."

Chapter 7, Article 41: "Citizens... have the right to rest...."

Chapter 7, Article 42: "Citizens... have the right to health protection...."

Chapter 7, Article 43: "Citizens... have the right to maintenance in old age, in sickness, and in the event of complete or partial disability or loss of the breadwinner."

Chapter 7, Article 44: "Citizens... have the right to housing."

Chapter 7, Article 53: "The family enjoys the protection of the state. Marriage is based on the free consent of the woman and the man; the spouses are completely equal in their family relations."

Chapter 7, Article 54: "No one may be arrested except by a court decision or on the warrant of a procurator."

Chapter 7, Article 55: "No one may, without lawful grounds, enter a home against the will of those residing in it."

Chapter 7, Article 56: "The privacy of citizens, and of their correspondence, telephone conversations, and telegraphic communications is protected by law."

What's the Difference?
Comparing Rights in the U.S. and the U.S.S.R.

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OVERVIEW
This lesson provides students with the opportunity to compare and contrast two very different forms of government, and then to determine whether these governments extend the same rights to their citizens as those which are enumerated in the Universal Declaration of Human Rights.

GOALS
At the completion of this lesson, students will be able to do the following:

- To define the terms *duties, freedoms,* and *protections.*
- To compare the rights guaranteed to the citizens of the U.S. and to the citizens of the U.S.S.R.
- To compare these two countries to the rights enumerated in the Universal Declaration of Rights.

AUDIENCE
High School.

TIME TO COMPLETE
Three to five class sessions.

MATERIALS AND OUTSIDE RESOURCES

1. Copy of the U.S. Constitution.
2. Handout on the "Constitution of the USSR," July 16, 1956.
3. Worksheet: "Duties, Freedoms, Protections."
4. Worksheet: "A Comparison of Rights."
5. Worksheet: "Universal Declaration of Human Rights" (abbreviated version).

PROCEDURE

I. Review students' knowledge of the rights guaranteed in the U.S. Constitution. Have them refer to this document while completing the worksheet "Duties, Freedoms, Protections." You may have the students refer to a dictionary for the definitions of the terms or you may chose to develop a working definition for these vocabulary terms together.

Have students complete the chart, and go over the answers with the class before moving on to the next activity.

II. Provide students with a copy of the Constitution of the U.S.S.R., July 16, 1956, and the worksheet, "A Comparison of Rights." This worksheet requires that the students make a list of the differences between and similarities in the U.S. and U.S.S.R. constitutions. This can be done individually, in pairs, or groups of three.

III. Provide students with the abbreviated version of the Universal Declaration of Human Rights. Explain to the students that this declaration was adopted by the General Assembly of the United Nations In 1948 and consists of 30 articles that describe the civil, political, social, and economic rights ascribed to all individuals by virtue of their humanity.

A. Divide your class into groups of three. Within the groups designate each student as the "first" or "second" or "third". All of the "first" students from each group will meet in the back of the classroom to work on the first nine rights (1 to 9). The "second" students from each group will meet in the middle of the classroom to work on the second nine rights (10 to 18). The "third" students from each group will meet in the front of the classroom to work on the third nine rights (19 to 27).

Within their groups, students are to speculate whether these specified rights and responsibilities are included in the constitutions of the U.S. and the U.S.S.R. Ask them to discuss their reasons and come to an agreement. Have them fill in the chart by placing an "X" in the boxes to indicate that this constitution does guarantee this particular right.

B. When students have had a sufficient amount of time to complete this task, ask them to return to their original groups. They will now share their answers with the members of their group, providing explanations for their choices when necessary. Everyone is required to copy these answers onto their charts so that at the end of the lesson, all charts have been completed.

C. Now have the students look over their charts. Have them highlight those rights which both the U.S. and the U.S.S.R. seem to feel are important. Ask someone to explain why one country might have chosen not to include a specific right.

IV. Assignment: Ask the students to locate a copy of the constitution of a third country. Have them compare the rights to those listed on the abbreviated version of the Universal Declaration of Human Rights. Have them write a paragraph explaining how it is similar to the U.S. and U.S.S.R. constitutions, how it is different, and possible reasons why.

REFLECTIONS ON THE LESSON

As a result of this lesson, students should be able to make a better comparison of the rights guaranteed to citizens in the U.S. and in the U.S.S.R. By comparing these documents to the Universal Declaration of Human Rights, students will come to understand some of the universally accepted doctrines.

A follow-up lesson could focus on specific global issues. Students might be required to propose and draft a universally acceptable document on saving the whales, ecology, etc. Discussions should emphasize the acceptance or rejection of these proposals by the governments of the U.S. and U.S.S.R., and possible reasons why.

Worksheet #1

DUTIES, FREEDOMS, PROTECTIONS

REVIEW: As citizens of the United States we have certain duties and responsibilities. The U.S. Constitution protects our rights by guaranteeing to us certain freedoms and by limiting government and by prohibiting certain actions on its part.

DIRECTIONS: Review your knowledge of the freedoms and protections guaranteed in the Constitution. Read Article I and the Bill of Rights. Define the terms below. Then list examples of each on the chart below.

DEFINITIONS:

1. Duties:

2. Freedoms:

3. Protections:

DUTIES	FREEDOMS	PROTECTIONS

Handout #1

CONSTITUTION (FUNDAMENTAL LAW) OF THE UNION OF SOVIET SOCIALIST REPUBLICS
As Amended July 16, 1956

CHAPTER I: THE SOCIAL STRUCTURE

ARTICLE 3

All power in the U.S.S.R. belongs to the working people of town and country as represented by the Soviets of working people's deputies.

ARTICLE 13

Work in the U.S.S.R. is a duty and a matter of honor for every ablebodied citizen, in accordance with the principle: "He who does not work, neither shall he eat." The principle applied in the U.S.S.R. is that of Socialism: "From each according to his ability, to each according to his work."

CHAPTER X: FUNDAMENTAL RIGHTS AND DUTIES OF CITIZENS

ARTICLE 118

Citizens of the U.S.S.R. have the right to work, that is, the right to guaranteed employment and payment for their work in accordance with its quantity and quality. The right to work is ensured by the socialist organization of the national economy, the steady growth of the productive forces of Soviet society, the elimination of the possibility of economic crises, and the abolition of unemployment.

ARTICLE 119

Citizens of the U.S.S.R. have the right to rest and leisure. The right to rest and leisure is ensured by the establishment of an eight-hour day for industrial, office, and professional workers, the reduction of the working day to seven or six hours for arduous trades and to four hours in shops where conditions of work are particularly arduous, by the institution of annual vacations with full pay for industrial, office, and professional workers, and by the provision of a wide network of sanatoria, rest homes and clubs for the accommodation of the working people.

ARTICLE 120

Citizens of the U.S.S.R. have the right to maintenance in old age and also in case of sickness or disability. This right is ensured by the extensive development of social insurance of industrial, office, and professional workers at state expense, free medical service for the working people, and the provision of a wide network of health resorts for the use of the working people.

ARTICLE 121

Citizens of the U.S.S.R. have the right to education. This right is ensured by universal compulsory seven-year education; extensive development of secondary education; by the fact that all forms of education, both secondary and higher, are free of charge by a system of state stipends for students of higher educational establishments who excel in their studies; by instruction in schools being conducted in the native language, and by the organization in the factories, state farms, machine and tractor stations, and collective farms of free vocational, technical, and agronomic training for the working people.

ARTICLE 122

Women in the U.S.S.R. are accorded equal rights with men in all spheres of economic, government, cultural, political, and other public activity. The possibility of exercising these rights is ensured by women being accorded an equal right with men to work, payment for work, rest and leisure, social insurance and education, and by state protection of the interest of mother and child, state aid to mothers of large families and unmarried mothers maternity leave with full pay, and the provision of a wide network of maternity homes, nurseries, and kindergartens.

ARTICLE 123

Equality of rights of citizens of the U.S.S.R., irrespective of their nationality or race, in all spheres of economic, government, cultural political and other public activity, is an indefensible law. Any direct or indirect restriction of the rights of, or, conversely, the establishment of any direct or indirect privileges for, citizens on account of their race or nationality, as well as any advocacy of racial or national exclusiveness or hatred and contempt, is punishable by law.

ARTICLE 124

In order to ensure to citizens freedom of conscience, the church in the U.S.S.R. is separated from the state, and the school from the church. Freedom of religious worship and freedom of anti-religious propaganda is recognized for all citizens.

ARTICLE 125

In conformity with the interest of the working people, and in order to strengthen the socialist system, the citizens of the U.S.S.R. are guaranteed by law:

a) freedom of speech;
b) freedom of the press;
c) freedom of assembly, including the holding of mass meetings;
d) freedom of street processions and demonstrations.

These civil rights are ensured by placing at the disposal of the working people and their organizations printing presses, stocks of paper, public buildings, the streets, communications facilities and other material requisite for the exercise of these rights.

ARTICLE 126

In conformity with the interests of the working people, and in order to develop the organizational initiative and political activity of the masses of the people, citizens of the U.S.S.R. are guaranteed the right to unite in public organizations: trade unions, co-operative societies, youth organizations, sport and defense organizations, cultural, technical and scientific societies; and the most active and politically-conscious citizens in the ranks of the working class, working peasants and working intelligentsia voluntarily unite in the Communist Part of the Soviet Union, which is the vanguard of the working people in their struggle to build communist society and is the leading core of all organizations of the working people, both public and state.

ARTICLE 127

Citizens of the U.S.S.R. are guaranteed inviolability of the person. No person may be placed under arrest except by decision of a court or with the sanction of a prosecutor.

ARTICLE 128

The inviolability of the homes of citizens and privacy of correspondence are protected by law.

ARTICLE 129

The U.S.S.R. affords the right of asylum to foreign citizens persecuted for defending the interests of the working people, or for scientific activities, or for struggling for national liberation

ARTICLE 130

It is the duty of every citizen of the U.S.S.R. to abide by the Constitution of the Union of Soviet Socialist Republics, to observe the laws, to maintain labor discipline, honestly to perform public duties, and to respect the rules of socialist intercourse.

ARTICLE 131

It is the duty of every citizen of the U.S.S.R. to safeguard, and fortify public, socialist property as the sacred and inviolable foundation of the Soviet system, as the source of the wealth and might of the country as the source of the prosperity and culture of all the working people. Persons committing offenses against public, socialist property are enemies of the people.

ARTICLE 132

Universal military service is law. Military service in the Armed Forces of the U.S.S.R. is an honorable duty of the citizens of the U.S.S.R.

ARTICLE 133

To defend the country is the sacred duty of every citizen of the U.S.S.R. Treason to the Motherland - violation of the oath of allegiance, desertion to the enemy, impairing the military power of the state, espionage - is punishable with all the severity of the law as the most heinous of crimes.

Source: *The Soviet System of Government*, John N. Hazard, 1957.

Worksheet #2

A COMPARISON OF RIGHTS

DIRECTIONS: Read over the document "Constitution of the Union of Soviet Socialist Republics." Below you are to make a list of those duties, freedoms, and protections which are found in both the U.S. Constitution and in the Constitution of the U.S.S.R.

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

Now make a list of those items which are included in the Constitution of the U.S.S.R. but are missing in the U.S. Constitution.

1.

2.

3.

4.

5.

6.

7.

8.

9.

10.

Worksheet #3

UNIVERSAL DECLARATION OF HUMAN RIGHTS (abbreviated)	U.S.	U.S.S.R.
1. All people are free and equal in dignity and rights.		
2. No distinction on the basis of race, color, sex, language, religion, political, or other opinion, national or other status.		
3. Right to life, liberty, and the security of person.		
4. No slavery.		
5. No torture or cruel, inhuman, or degrading treatment or punishment.		
6. Right to recognition as a person before the law.		
7. Right to equal protection before the law.		
8. Right to an effective remedy by a competent tribunal for acts violating an individual's fundamental rights.		
9. No arbitrary arrest, detention, or exile.		
10. Right to a fair and public trial.		
11. Innocent until proved guilty; cannot be charged *ex post facto*.		
12. No arbitrary interference with persons' privacy, family, home, or correspondence, nor attacks upon persons' honor and reputation.		
13. Freedom of movement and residence within the borders of each nation; the right to leave any country and return.		
14. Right to seek asylum from persecution.		
15. Right to a nationality.		
16. Right to marry and found a family.		
17. Right to own property and not be arbitrarily deprived of same.		
18. Freedom of thought, conscience, and religion.		
19. Right to freedom of expression through any media (without interference).		
20. Right to peaceful assembly; no one compelled to belong to an association.		
21. Right to vote, participate, and influence government.		
22. Right to economic, social, and cultural security.		
23. Right to work, free choice of employment, favorable working conditions, right to join trade unions.		
24. Right to leisure; reasonable limitations of working hours; holidays with pay.		
25. Right to adequate standard of living (food, clothing, housing, medical care).		
26. Right to an education.		
27. Right to participate in the cultural life of the community, to enjoy the arts, and to share in scientific advancement and its benefits.		

Bill of Responsibilities

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OVERVIEW

Along with each right guaranteed in the Bill of Rights comes a responsibility. In this lesson students will work in cooperative groups to create a list of responsibilities to go with each of the first ten amendments.

GOALS

As a result of this lesson, students will:

- Gain knowledge of the Bill of Rights.
- Understand that rights generate responsibilities.
- Benefit from working together.

AUDIENCE

Middle school students.

TIME TO COMPLETE

One or two days.

MATERIALS

A copy of the Bill of Rights, pencil, and paper for each group.

PROCEDURE

1. Introduce the terms *right* (something to which a person is morally or legally entitled) and *responsibility* (a duty or obligation).

2. Give examples of rights students have at home or school and let them come up with responsibilities that go with them. For example, parents may allow a child to stay home by him/herself. The student has the responsibility not to do things dangerous to himself or the house.

3. Place students in cooperative groups of three. Give each group a copy of the actual Bill of Rights or a simplified version.

In each group, one student will act as RECORDER to write down the group's ideas, another will be the READER who will read to the group, and the third student will be the CHECKER whose job is to make sure the students agree before any ideas are written down and make sure the group accomplishes the task in the allotted time.

4. Each group should be assigned one or two amendments.

5. Each group's job is to generate a list of responsibilities that go with each assigned amendment.

6. After groups have completed their assignment, they will report to the whole class. To ensure individual accountability, students need to know that any member of the group could be called on to report to the class.

7. Conclude with a discussion of the relationship between rights and responsibilities.

8. *Optional Day Two Activity.* Students meet back in groups and turn their list of responsibilities into a written statement. (Paired with their amendments, these could make an attractive bulletin board display.)

EVALUATION

1. Students write a paragraph on the relationship between rights and responsibilities.

2. The teacher creates a matching quiz. Column A paraphrases each of the ten amendments in the Bill of Rights. Column B lists a responsibility that matches with each amendment. Directions would say, "Match each responsibility in Column B with its right in Column A."

BILL OF RIGHTS (SIMPLIFIED)	BILL OF RESPONSIBILITIES
1. Congress cannot pass laws that: support religion or prevent the free exercise of religion (you can believe and worship as you wish); take away your freedom of speech or press (you can say and write what you want); take away the right to get together with other people peacefully; and take away the right to ask the government to correct wrongs.	1.
2. The government cannot prevent people from keeping weapons because our security depends upon citizens' ability to fight.	2.
3. In peacetime, soldiers cannot occupy your house against your will. (In wartime, soldiers may not occupy your house unless they do so following proper legal procedures.)	3.
4. Unless the government has good reason to do so, it cannot search or take away people's bodies, houses, papers, and personal belongings. Official permission for searches and seizures will only be given by judges where there is reason to believe that the desired object of the search will be found in a particular place.	4.
5. People do not have to give evidence against themselves in court. If they have been found innocent of a crime, they cannot be tried again for the same crime. People must be treated fairly by the government, and their lives, liberty, and property cannot be taken away unless it is done in a fair way.	5.
6. People who are accused of committing a crime can have a lawyer and a speedy trial. They can also have a trial where a group of other people (a jury) and not a judge decide if they committed the crime. They must be told what they are accused of, and they can ask questions of their own witnesses and their accuser's witnesses.	6.
7. If a disagreement between two people is about something of more than $20 value, they have the right to a jury trial.	7.
8. Courts must not ask too much money from people (when they are freed from jail) to hold until they return for their trial. Fines must be fair, and people found guilty cannot be punished in a cruel or unusual way.	8.
9. The rights listed in 1 through 8 are not the only rights people have.	9.
10. Any powers that do not belong to the national government belong either to state governments or the people.	10.

The Checks and Balances Game

Marjorie A. Montgomery and John R. Stark
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OVERVIEW
Teaching the Constitution is the hardest task of the year for government and American history teachers. Those endless charts of checks and balances and how a bill becomes a law stymie teacher and student alike. In desperation, in the face of drowning in a sea of "dittoed sheets," we began to develop the following activity.

GOALS
In addition to the usual goals involved in mastering the Constitution, the major strength of this activity is that kids become passionately involved with the Constitution, government, the news, and their own learning. They gain pride and confidence in their ability to master difficult material.

AUDIENCE
Grades 8-11.

TIME TO COMPLETE
Periodically, over a six- to eight-week period.

PROCEDURE
On the first day of school, divide the students into the House and Senate and the Judicial and Executive branches, give each person a copy of the Constitution, and tell them that at the end of the week they will need to know it "cold." Discuss with the kids ways in which they can organize themselves including:

- dividing up the Constitution by Articles or branches
- choosing a team for offense and a team for defense
- dividing up the Constitution by important national issues
- assigning roles to each member of the group
- finding information inside and outside the classroom, from books and people

Talk about ways to gather information and to communicate it by:

- dividing up newspapers and TV channels
- making a buddy system and telephone chain
- rewriting parts of the Constitution in their own words for each person

Let them work for a week, answering their questions when they have ones which are specific and show that they are beginning to wrestle with the material. At the end of the week, give them ten minutes to organize themselves on an easy problem such as "The Air Force is formed." Then ask them for:

- jurisdiction
- the relevant Article and Section of the Constitution (from their notes)
- a summary, in their own words, of the relevant section
- any precedents they have found
- a solution to the problem
- any rebuttals to other groups

The rebuttal process usually takes care of the "right answer." If one group cites an incorrect section, another is delighted to point out the error. Rarely does the teacher need to intrude upon the process to make sure they are correct.

The group scores one point for each correct answer. Points are added up until the end of the game. The total number of points earned by the winning team is then divided by the number of team members; each member's individual points are added to his or her final exam score.

Students need the opportunity to reorganize the group's ideas and thinking, to plan who will answer which part of the problem, and then to speak clearly and loudly. The rebuttal portion forces them to take accurate notes on what other groups say and to answer quickly.

Inevitably, one group gives a beautiful answer. Real panic sets in when the other three groups realize they are still at sea; members of those groups shout at each other and reorganize the work in a way they feel will be productive. For some groups, having this experience once is enough; others will go through it several times before they find a way of organizing their learning that is best for them.

Then give the whole class a few days to continue learning before giving them a second easy problem such as, "A Texas BBQ restaurant in New York City has been invited by the governor of Texas to secede from New York and become a part of Texas."

Regularly present more complicated and more frequent problems, giving them less time to gather information. We often give problems as homework and gather answers at the beginning of the next class.

A presentation at the end of the activity helps focus kids' learning and also provides a natural celebration. It gives kids the opportunity to dress up appropriately and to feel very special and important. Investing a few dollars in cheap, disposable graduation gowns for robes for the Supreme Court justices
is well worth it.

The Checks and Balances Game allows us to place the Constitution in its own time as well as to focus on its importance in ours. It ties in the events leading up to its writing and brings in current events. Playing the game in September permits us to refocus on the Constitution constantly during the year as major issues come into the news.

EVALUATION

The culminating activity is all the evaluation that is really needed. It is thrilling to see kids who have trouble learning dive into the Constitution and understand it at a far more sophisticated level than a reasonable person would believe possible. In addition, each student keeps a daily log of what he or she does and what other people did to help. At the end of the game, each student writes a summary of his or her work for the entire period.

In moving about the room and creatively eavesdropping, the teacher also picks up evaluative information. It is also very informative to watch the process of the members of the winning groups dividing up their points.

TIPS FOR THE TEACHER

Note that the room becomes very noisy and messy during this game. The students' passion may infuriates other teachers, and you cannot expect the students to sit down in their chairs and immediately return to a teacher-centered classroom.

The Constitution Is Born In Eight Minutes

Rhonda Marie White
Moore School Center
Winston-Salem, North Carolina

OVERVIEW
This lesson offers a quick way to introduce the Constitution. The final product, a video, can be used for instruction and review.

GOALS

- To present in dramatic form the "birth" of the Constitution.
- To decode constitutional/governmental vocabulary often unfamiliar to young people.
- To get young people actively involved in the subject matter of government.

AUDIENCE
Grades 4 and up.

TIME TO COMPLETE
Four days to prepare and one day to videotape.

MATERIALS

1. Costumes and props, to be determined and provided by student participants.
2. Sentence strips.
3. Historical fact sheet (included).

PROCEDURES

Divide the class into eight groups. Each group will be given a selected amount of information from the historical fact sheet to prepare for dramatic presentation within the next three days.

Things to be discussed before group work begins:

- Signs and labels -- Words in bold print on the fact sheet must be made into labels. Words with (*) must be explained in the presentation.
- No formal script will be given; students will use historical fact sheet but present information in their own words.
- The freeze-frame picture method of presentation. (Take a starting position and freeze. At a given point, students go into action. Freeze positions are resumed when finished.)
- Each group is videotaped and the video is later used as an instructional tool.

EVALUATION
The quality of the presentation offers a grading opportunity; participation in the group effort offers another. Strong individual contributions can also be recognized for extra credit.

TIPS FOR THE TEACHER

- Practice time can be social studies and/or language arts class time.
- The teacher can and should provide suggestions to enhance video performance.
- Provide lots of elementary style constitution books, even for the older student.
- It is helpful for the teacher to use one group as a model. The other students are asked to take the position of a TV producer and to offer suggestions for improvement.

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About the Constitution of the United States of America, A Scriptographic Booklet by Channing L. Bete Co., Inc. South Deerfield, MA 01373 (1980).

The Constitution of the United States of America and other documents of American Liberty (Country Beautiful: Waukesha, Wisconsin, 1976).

Historical Fact Sheet

Information for each group to demonstrate in words and actions:

All groups are instructed to use their textbooks, encyclopedias, and library books to get additional information and ideas.

Remember all words in **bold print** are to be made into signs and labels. All words with an (*) are to be explained in the presentation.

Don't forget to make a video recording for teaching and reviewing.

1. The calling of the **First *Constitutional Convention, 1789**, in **Annapolis, Maryland**. Only 5 *states were represented. So, a decision was made to meet again the next year. The following convention begins on May 14, 1787 in the city of Philadelphia. *Delegates are late arriving. It is May 25 before enough people arrive (*quorum). Before the convention is over **55 delegates** from **12 states** arrive. **Rhode Island** is not represented.

2. On Monday May 25, 1787, the first meeting of the convention in **Philadelphia** is held. **George Washington** is elected *chairman. **Benjamin Franklin** is the oldest delegate present and **James Madison** *records the daily activities.

3. The delegates meet for 4 months starting May 25 and ending September, 1787. The delegates agreed to follow **special rules** during the convention:

1) No secret sessions.

2) At least seven states had to be present to have a meeting.

3) Each state, no matter how many delegates, had only one vote.

4) Nothing would be listed in the Constitution unless it received a *majority vote.

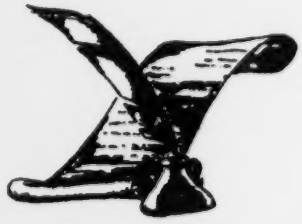
4. The delegates decided to revise the old document *"Articles of Confederation" (union between states). They would develop something new and better. The Constitution would establish a *national government which consisted of **legislative, executive,** and **judicial branches of power.** No one branch of power would be in control. They would work together, helping each other.

5. The delegates suggested new ideas and asked many questions. Sometimes they argued. They had a hard time deciding how much power to give the new *national government. They wanted the individual states to have some of the power. The smaller states, like Massachusetts, wanted *fair representation. They feared that the larger states, like **Pennsylvania,** would have more representation and thus more votes in *Congress. They didn't know what to do with the slaves. They couldn't agree so they decided not to deal with it until **1808 (30 years later).**

6. Since they couldn't agree on everything, they decided to *compromise. To help little states have fair representation, they agreed to **Two Houses of Congress:** the **Senate** and the **House of Representatives.** The Senate would have ***equal representation** for each state, ex. two persons for each state. The House would have representation according to the number of people that lived in that state. The bigger states would have more representatives. The two houses of Congress would work together to *regulate ***commerce** and ***imports** but they wouldn't tax ***exports**.

7. Finally, on Sept. 17, 1787, only 39 of the 55 delegates signed the *proposed documents. Now the delegates each had to go back to their home states to convince the people that the new Constitution was good. Ratification was still a problem - 9 of the 13 states would have to accept the new document. Meanwhile, the Federalist Papers were written by **Mr. Madison, Mr. Hamilton, and Mr. Jay** to convince the people to accept the new laws. Others wrote against the new laws.

8. The new Constitution was adopted about a year later, **July 2, 1788,** but did not go into effect until March 4, 1789. **Delaware**, **Georgia**, and **New Jersey** had no problem agreeing. Their vote for ***ratification** was ***unanimous.** North Carolina and Rhode Island did not agree until the **Bill of Rights** (the first 10 Amendments) were added. The Constitution was approved and already in effect before North Carolina and Rhode Island agreed to accept it.



The Historical Origin of the First Amendment Clauses On Religion and Their Application

Spencer Willard
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OVERVIEW
This lesson develops the background of the religious fight in the State of Virginia in the 1780s. Students examine key clauses in three primary documents of this battle: the "Virginia Assessment Bill of 1784," "Madison's Memorial and Remonstrance of 1785," and "Jefferson's Bill for Establishing Religious Freedom in Virginia."

The lesson moves briefly to the First Amendment clauses on religion (the establishment clause and the freedom-of-choice clause). Students should quickly perceive the connection between the clauses and the documents they have just examined. The lesson then moves to the key Supreme Court cases involving the protection of and from religion. Background on the history of religious tolerance in American colonies should precede this lesson.

GOALS
At the conclusion of the lesson, students should be able to demonstrate an understanding of the following items:

- The key phrases in the primary documents in the Virginia debate on religious freedom in the 1780s and their relationship to the wording and origin of the first amendment clauses on religion.
- The application of the freedom-of-choice clause by the Court in *Barnette*, the application of the establishment clause by the Court in *Engel*, and the application of "both" clauses by the Court in *Schempp*.
- The purpose of the Bill of Rights is to protect citizens' personal liberties.

AUDIENCE
Junior and senior high students.

TIME TO COMPLETE
Two to three days.

MATERIALS AND OUTSIDE RESOURCES
Document excerpts included with the lesson.

PROCEDURE
Students should be given the attached worksheet and copies of all primary document excerpts about three days prior to the actual start of the lesson. Students should come to class ready to discuss the documents in detail. The teacher should discuss the documents in sequential fashion, proceeding from the Virginia documents to the First Amendment to the key Court cases, in order of their inception.

A. Point out to the students when they are discussing the Virginia documents that they should be able to pick out the key phrases in the debate. After seeking consensus among the students, ask them if they can locate the First Amendment clauses on religion in any of the Virginia documents and discuss them.

B. Tell the students that the three Supreme Court cases of *Barnette* (1943), *Engel* (1962), and *Schempp* (1963) contain wording that gives them clues about which First Amendment clause is relevant to each case. Ask the students to find the particular wording and discuss its relationship to the wording of the First Amendment.

C. Summarize the primary documents. Try to get the students to see the progression of thought by the early arguments to the arguments in the twentieth century cases. They might even look for similar wording in some of the majority opinions of the judges.

REFLECTIONS ON THE LESSON
Students should be able to see from the lesson that Thomas Jefferson and James Madison are the primary architects of the First Amendment and that the idea of separating church and state is as old in American History as Roger Williams' argument for religious freedoms in Rhode Island. Students should have an exciting venture with the metaphors used by the justices in these three cases. Teachers should be able to encourage a debate on where the rights of the individual end and those of society begin.

Comments On and Excerpts From Primary Documents on the Construction of the Religious Clauses in the First Amendment

The First Amendment, so far as it relates to matters of religion, consists of two aspects: it proscribes laws "respecting an establishment of religion" (the establishment clause), then guarantees the free exercise of religion (the freedom-of-religion clause). It is now settled that Jefferson and Madison were the architects of the First Amendment, and that the establishment clause reflected and incorporated their earlier experiences in Virginia in barring the use of tax-raised funds to support religious teaching.

The **Virginia Assessment Bill of 1784**, entitled "A Bill Establishing a Provision for Teachers of the Christian Religion," proposed to impose taxes to be used for the support of religion. Each taxpayer could choose which church was to receive his or her share of the tax; each taxpayer was, in fact, permitted "the option of giving his or her tax to education." The final enactment of this bill was forestalled and defeated only by **Madison's great Memorial and Remonstrance of 1785**, which declared the independence of the state from religion and religion from the state. In it Madison asked:

> "Who does not see that... the same authority which can force a citizen to contribute three pence only of his property for the support of any one establishment, may force him to conform to any other establishment in all cases whatsoever?"

The 1786 enactment in Virginia of Jefferson's Bill for Establishing Religious Freedom answered:

> "Well aware that almighty God hath created the mind free;... that to compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical....
>
> "Be it therefore enacted by the general assembly, that no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or beliefs..."

These intentions -- to maintain state and religion separate and apart and therefore to foreclose the exaction of even "three pence" by taxation to support religious instruction--are the historical substance of the establishment clause.

First Amendment to the United States Constitution (adopted 1791)

FREEDOM OF RELIGION, SPEECH, AND THE PRESS; RIGHT OF ASSEMBLY

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people, peaceably to assemble, and to petition the government for a redress of grievances.

School Prayer and Religious Freedom

Engel v. Vitale, 370 U.S. 421 (1962)

"Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers, and our country." This prayer was recommended by the New York Board of Regents for recital by public school classes at the start of each school day. Parents of ten pupils in New Hyde Park, New York, challenged the constitutionality of the use of an "official" prayer in public schools. The basis of the challenge was the Fourteenth Amendment which applies to the States the same religious prohibitions that the First Amendment applies against the national government.

In upholding the position of the parents, the Supreme Court simply ruled that the Board of Regents, a State agency, did not have the constitutional authority to recommend daily recitation in classrooms of an "official" prayer. The following is from the majority opinion by Associate Justice Hugo L. Black:

"It is neither sacrilegious nor antireligious to say that each separate government in this country should stay out of the business of writing or sanctioning official prayers and leave that purely religious function to the people themselves.

"It is a matter of history that this very practice of establishing governmental composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America.

"The First Amendment was added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support or influence the kinds of prayer the American people can say -- that the people's religions must not be subjected to the pressures of government for change each time a new political administration is elected to office.

"Under the Amendment's prohibition against governmental establishment of religion, ... government of this country, be it State or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity."

Largely disregarded in the immediate excitement caused by the Court's decision was the following footnote to Justice Black's opinion:

"There is of course nothing in the decision reached here that is inconsistent with the fact that school children and others are officially encouraged to express love for our country by reciting historical documents such as the Declaration of Independence which contain reference to the Deity, or by singing officially espoused anthems which include the composers' professions of faith in a Supreme Being, or with the fact that there are many manifestations in our public life of belief in God."

Americans have no way of knowing at the present the scope the Court's ruling might reach. Some fear the Court might rule out such practices as opening each session of Congress with a prayer, taking the motto "In God We Trust" off coins, eliminating baccalaureate services in schools, or even forbidding the singing in school of the last verse of the "Star Spangled Banner." On the basis of Justice Black's footnote, however, it is doubtful that the Court would interpret to these extremes. Basically it seems the Court's opinion centers on objection to a government agency recommending an official prayer for daily classroom use.

Bible Reading and Religious Freedom

Abington School District v. Schempp,
374 U.S. 203 (1963)

> *"In the relationship between man and religion, the State is firmly committed to a position of neutrality."*
> *- Associate Justice Tom C. Clark*

Pennsylvania by law requires that "At least ten verses from the Holy Bible shall be read, without comment, at the opening of each public school on each school day. Any child shall be excused from such Bible reading, or attending such Bible reading, upon the written request of his parent or guardian."

The Schempps brought suit to enjoin enforcement of the statute, contending that their rights under the Fourteenth Amendment to the Constitution of the United States have been, are, and will continue to be violated unless this statute be declared an unconstitutional abridgement of the provisions of the First Amendment.

Thus, the second phase of the religion controversy started by *Engel et. al. v. Vitale* resulted in the Court once again making it clear that the First Amendment does not simply forbid preferential treatment of one religion over others, but forbids government compulsion in religious affairs.

The Court, in ruling out prayers and Bible reading in the public school, emphasized that government must be neutral, but took pains to explain that it was not attacking the religious basis of our national life.

In rendering the majority opinion Associate Justice Clark emphasized the religious background of the nation:

"The place of religion in our society is an exalted one, achieved through a long tradition of reliance on the home, the church, and the inviolable citadel of the individual heart and mind.

"We have come to recognize through bitter experience that it is not within the power of government to invade that citadel, whether its purpose or effect be to aid or oppose, to advance or retard.

"In the light of the history of the First Amendment, and of our cases interpreting and applying its requirement, we hold that the practices at issue and the laws requiring them are unconstitutional under the establishment clause, as applied to the States under the Fourteenth Amendment.

"The wholesome 'neutrality' of which this Court's cases speak thus stems from a recognition of the teachings of history that powerful sects or groups might bring about a fusion of governmental and religious functions or a concert or dependency of one upon the other to the end that official support of the State or Federal Government would be placed behind the tenets of one or of all orthodoxies. This the Establishment Clause prohibits."

The following are pertinent questions to illustrate the dangers Justice Clark is intimating in the above extract:

- If the Bible is to be read, what version shall it be the Protestant King James, the Catholic Douay, or the Jewish Publication Society versions?
- How can government escape such divisive sectarian choices if it is allowed to make any choice in matters of religion?
- How can it satisfy the many faiths of a heterogeneous people?

Public Education and Religious Freedom

West Virginia Board of Education v. Barnette, 319 U.S. 624 (1943)

The decision rendered in *West Virginia Board of Education v. Barnette* was a reversal of the Court's ruling in *Minersville School District v. Gobitis* in which the Court had upheld the police power of the State to require students to salute the flag even when it conflicted with their religious beliefs. Members of the Jehovah's Witnesses, a religious sect, had refused to salute the flag as an act against the Biblical commandment that one shall not bow down to any "graven image." The refusal to salute the flag was in conflict with a West Virginia law requiring all students to salute the flag in morning exercises and providing for the expulsion of those who refused.

The following excerpt from the majority opinion delivered by Associate Justice Robert H. Jackson presents the Courts' reasoning for voiding the West Virginia law on the basis of as a violation of the First Amendment:

"The freedom asserted by these appellees does not bring them into collision with rights asserted by any other individual. It is such conflicts which most frequently require intervention of the State to determine where the rights of one end and those of another begin. But the refusal of these persons to participate in the ceremony does not interfere with or deny rights of others to do so. Nor is there any question in this case that their behavior is peaceable and orderly. The sole conflict is between authority and rights of the individual. The State asserts power to condition access to public education on making a prescribed sign and profession and at the same time to coerce attendance by punishing both parents and child.

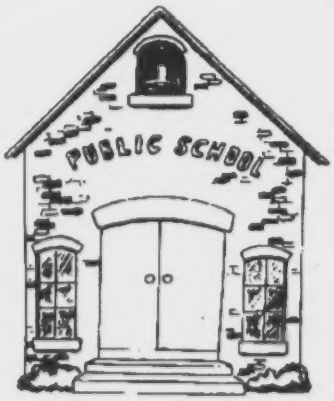
"There is no doubt that, in connection with the pledges, the flag salute is a form of assent by words without belief and by gesture barren of meaning.

"Whether the First Amendment to the Constitution will permit officials to order observance of ritual of this nature does not depend upon whether as a voluntary exercise we would think it to be good, bad, or merely innocuous. Any credo of nationalism is likely to include what some disapprove or to omit what others think essential.

"Free public education, if faithful to the ideal of secular instruction and political neutrality, will not be partisan or enemy of any class, creed, party, or faction.

"If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

"We think the action of the local authorities in compelling the flag salute and pledge transcends constitutional limitations on their power and invades the sphere of intellect and spirit which it is the purpose of the First Amendment to our Constitution to reserve from all official control."



THE FIRST AMENDMENT AS IT RELATES TO RELIGION

PRIMARY DOCUMENTS

AS THEY RELATE TO THE DEBATE IN VIRGINIA 1783-1786

MAKE A LIST OF THE KEY ISSUES THAT YOU FIND IN THE PRIMARY DOCUMENTS FROM THE DEBATE IN VIRGINIA.

A.

B.

C.

MAKE A LIST OF THE ISSUES IN EACH OF THE FOLLOWING **LANDMARK** DECISIONS ON THE FIRST AMENDMENT AND RELIGION.

A. WEST VIRGINIA V. BARNETTE (1943).

B. ENGEL V. VITALE (1962).

C. ABINGTON V. SCHEMPP (1963).

WRITE A BRIEF BUT CONCISE STATEMENT ON YOUR VIEW OF THE MEANING OF THE "ESTABLISHMENT CLAUSE" AND THE "FREEDOM-OF-RELIGION CLAUSE".

A. THE ESTABLISHMENT CLAUSE.

B. THE FREEDOM-OF-RELIGION CLAUSE.

Juvenile Rights: Judge or Jury?

Lynn Danelle Gresser
Jackson Junior High School
Osseo, Minnesota

OVERVIEW

Should juveniles accused of crimes come before a judge to have their case heard or should they have a jury?

This activity incorporates the active participation of an attorney as an outside resource person with group discussion and decision-making using a case study. This lesson is appropriate to the study of juvenile law, citizen rights, and/or the judicial system. Students require some prior knowledge about how adult and juvenile cases are usually handled and the process to be certified to stand trial as an adult. Students should also have had prior group work experience with assigned roles or jobs in the group. The teacher could structure an activity prior to this one to introduce and practice group roles.

GOALS

- Students, applying the facts of the case and what they have learned in class, will evaluate what is in the best interests of the accused juvenile and of society.
- Students will gain more familiarity with the Constitution and the rights it protects.
- Students, using an outside resource person as a source of factual information and the application of that information to this lesson, will practice skills in targeting needed information and in asking questions to obtain the information.

AUDIENCE

Grades 8-12.

TIME TO COMPLETE

One class period of about 50 minutes.

MATERIALS AND OUTSIDE RESOURCES

1. Copies of the U.S. Constitution and Amendments.
2. Overhead, butcher paper, or chalk board.
3. Overhead pens, wide line markers, or chalk.
4. Copies of the attached handout.
5. An attorney interested in working with adolescents in a group work format organized by the teacher and facilitated by the attorney.

PROCEDURES

1. The teacher distributes the handout and reads through the case study with students, pointing out the three questions students will work on in groups.

2. The attorney or teacher should check for understanding by asking for student questions or need for clarification of facts or issues.

3. The teacher again points out the three questions. The teacher then divides students into groups of about five students each.

Each group member has a "role" in the group. Students could be assigned the roles or could choose them.

Recorder -- records group information in writing
Reporter -- orally reports group decisions/ideas
Encourager -- encourages all to participate (i.e., What do you think, John? We haven't heard from Susan yet on this.)
Task Checker -- keeps group on task, off other topics
Clarifier/Questioner -- keeps questions/answers clear; asks for specifics/details.

Giving each group member a role encourages responsibility to the group and facilitates, with practice, the group's task.

4. Students form groups to review the facts in the case and answer the three questions, in detail, with specific reasons for the group's decisions. The attorney and teacher circulate among the groups to clarify, question, probe, and help students use the Constitution and Amendments.

5. The teacher calls groups back to order. The attorney solicits responses, one question at a time, from each group. Order of group responses should be rotated. The attorney may ask additional questions, clarify, provide additional information, give state/national trends or cases, or point out related issues or concerns.

Answers from student groups should be recorded for students to see on the chalk board, overhead, or butcher paper. A vote should be taken, prior to the end of the class, to determine whether class members feel Mike should or should not get a jury trial.

The attorney and the teacher should address issues regarding the Constitutional rights of juveniles, historical reasons for a juvenile system, and the desires of society to be protected from juvenile system remedies.

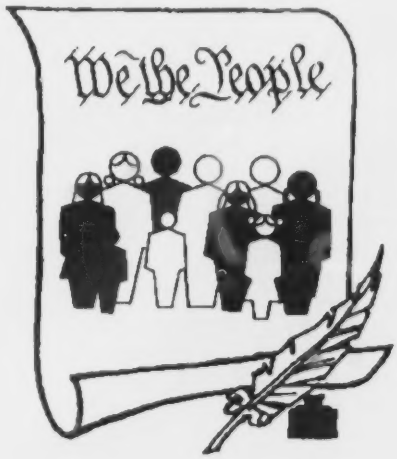
The attorney may provide an opinion on what should happen to Mike and relate his/her own experiences with such cases.

The facts in this activity are similar to those in a recent case. In the real situation, "Mike" was certified to adult court and plea bargained his case. Students should be told the real outcome, providing an opportunity for the visiting attorney to briefly describe the certification process and the concept of plea bargaining.

REFLECTIONS ON THE LESSON

This lesson provides an ideal hands-on activity for a visiting attorney. The teacher provides the classroom structure and the attorney provides the legal expertise.

One way to evaluate this lesson quickly is for the teacher to ask orally what were the important ideas or concepts students learned. Students could also be asked to evaluate what they think the teacher and the attorney wanted them to get out of the lesson. A third method of evaluation is a "one-minute" written paper by each student listing what was learned. After the one minute of writing time, these listings are then quickly exchanged with a few other students to see what others learned from the activity.



HANDOUT

Mike Woods is sixteen years old and lives in a metropolitan area. He stole a VCR from a local discount store. He was caught by store security and held until the police arrived. Mike was taken to the police station and his parents were notified.

Mike's parents were told that he could be released to their custody while awaiting a hearing before a juvenile judge or he could be held in a juvenile facility until the hearing was held. Mike's parents were disgusted with his behavior, actions, and attitude. They said they did not want Mike at home and that he should be sent to the juvenile facility until his hearing date.

While at the facility, Mike got involved in a bad fight. Staff members tried to break-up the fight. Both staff members and juveniles fell or were pushed to the floor during the struggle. Sometime during the fight, matches belonging to a staff member fell on the floor. Juveniles were not allowed to have matches but Mike quickly picked them up and put them in his pocket. No staff member saw him do this and no juvenile reported seeing him either. Finally the juveniles involved in the fight were separated.

Juveniles who fight are separated and put in isolation rooms. Mike did not like this punishment and began to pound on the walls and door. The staff did not pay attention to his protests.

Mike did not like being ignored so he set his mattress on fire. The mattress caught fire easily and soon there were flames and smoke. The building did not have very modern fire alarms or sprinkler systems. The fire was becoming dangerous and Mike began to pound on the door and yell for help. A staff member, coming to quiet him down, smelled smoke and evacuated the holding area. Several juveniles had to be treated for smoke inhalation and there was significant fire damage to the building.

Mike is charged with arson. Should his trial be in front of the judge or should he get a jury trial?

Group Tasks:

PART A
As a group, list reasons IN FAVOR of Mike having a jury trial. Be specific and detailed. Look at the Constitution for help. Think about how you would feel if you were Mike. Consider what is fair.

PART B
As a group, list reasons AGAINST Mike having a jury trial. Look at the Constitution for ideas. Think about how you would feel if you were Mike. Consider what is fair.

PART C
Reach agreement in your group on whether it would be most appropriate for Mike to have: (1) a jury trial or (2) a trial in front of a judge. List the reasons for your decision.

Lurid Rock Music: Free Speech or Obscenity?

David L. Haar
Burke High School
Omaha, Nebraska

OVERVIEW
People are entitled to free speech, but are they entitled to hear what they want to hear?

Teenagers are often not aware that a considerable group of people believe that what teenagers see or hear should be regulated. This lesson will allow them to confront this issue.

GOALS

1. To examine, in a very careful manner, some of the content of rock music.

2. To discuss whether there is a need for a rating system for rock music.

AUDIENCE
Senior high school.

TIME TO COMPLETE
Varies with grade level and assignments.

MATERIALS AND OUTSIDE RESOURCES

This will depend on the extent to which this lesson is carried. A questionnaire may be used. Students may be required to make phone calls or visits to the places mentioned within the lesson. Should the teacher decide to do so, tapes, CDs, or LPs may be used. The students may be required to find articles which deal with the general topic under study.

PROCEDURE

(Please note that the term "rock music" is used here in a very general manner. It may be preferable to define this term for purposes of this lesson.)

Some persons believe that some rock music is not fit for human consumption. They will say it contains explicit sex, vulgar language, promotes violence against women, and is even racist in certain cases. In spite of this, there are few limitations placed on the sale and consumption of rock music in general.

Persons who are buying books or shopping for a movie to view know that there are age limitations based on some type of rating system. Legislators and or the courts, and even the distributors of these materials, have decided that it is legal to keep children who are underage away from things which are not appropriate for them. The basic issue is almost always sexual morality, violence, and/or vulgar speech.

Movies and printed material can be and are regulated. On the other hand, many people believe that the worst offender of the standards mentioned above is in fact the lyrics of rock music. In most communities, few or even no limitations are placed on the sale of recorded rock music to teenagers or even what is played on the public airwaves.

Should there be rating standards set for (1) the sales of rock music and (2) the broadcast of rock music which contains questionable material or objectionable material?

It is suggested that the teacher give very careful consideration to what types of things might be acceptable for a particular classroom, school, and community. Very precise guidelines ought to be established before announcing this assignment. It is suggested that these guidelines be printed and handed to the students so there can be no question as to what will be discussed.

Suggestions for this assignment might include:

1. Students may check with the local authorities to see whether there are any attempts to regulate the content of rock music which may be termed by some to be objectionable.

2. Students may call radio stations, indicating that they are studying the possibility of rating rock music, and ask whether the station is operating under any legal or self-imposed restrictions in the areas of sexual content, vulgar language, and/or violence.

3. Students may check with local stores to see whether they refuse to sell certain music to teenagers because of the content.

4. Students may be asked to find articles which discuss actions taken by Congress and the courts in this area. They may also locate articles that discuss any actions taken by the rock music industry to plead its case against censorship and/or to police itself.

5. A questionnaire might be designed by the students to take home and/or to share with schoolmates. The questions might include some of the following questions:

(1) Into which of the following age brackets do you fall?
___10-14 ___11-21 ___22-35 ___36 and over

(2) Do you ever read or listen very carefully to the lyrics of rock music?

(3) Do you listen to radio stations which broadcast rock music?

(4) Do you believe there is a problem in our community caused by the sale of rock music which has what some people consider to be sexually immoral, vulgar, or violent content?

(5) Should there be ratings placed on the broadcasting of lyrics of rock music?

(6) Should ratings somewhat similar to those used by the movie industry (based on the lyrics), be placed on rock music which is sold to young people under the age of 21?

The results of the survey may be tallied and used for purposes of discussion.

6. Students may be asked to design what they would consider a fair and reasonable rating system. It might prove to be very interesting to have the students ask their parents to review the rating system to see whether they would agree with it or not.

REFLECTIONS ON THE LESSON

At the conclusion of this lesson, the students ought to have an understanding that community standards, and possibly even national standards, may and ultimately do have an impact on what the students hear. One thing is almost certain: not all of the students will be satisfied with what they learn!

Students may be asked to write a paper indicating what they learned from this lesson as well as what changes they would like to see occur.

THE CONSTITUTION WAS WRITTEN FOR PEOPLE WHO WALKED AND TOOK TWO DAYS TO GET ANYWHERE.
WHERE ARE YOU GOING?
DOWN TOWN... SHOULD GET THERE TOMORROW.

A Nation Divides

P. Kendall Geer
Strawberry Park Elementary
Steamboat Springs, Colorado

OVERVIEW
This lesson simulates the build-up to America's Civil War. As we enter the information age, it is important that students learn why and how historical events happened, rather than just what happened. The understanding of the process of governmental change gained in this simulation will help students evaluate current events in our present world. Also, kids learn best by doing. By being actively involved in this simulation, they will gain and retain better understandings of our government. Students will also gain historical knowledge, as well as reinforce map and time line skills. This lesson would best follow a study of settlement emphasizing regional differences.

GOALS
As a result of this lesson, students will:

- learn how growth of the United States upset the balance of the slavery issue.
- learn how our Congress operates.
- evaluate causes and effects of events leading to the Civil War.

AUDIENCE
Grades 5 through 8.

TIME TO COMPLETE
Two to three hours. This may be an all-day simulation, or broken in daily stages for a week.

MATERIALS

1. United States outline map for each student.
2. Gray and blue markers or crayons.
3. Prepared envelopes for each stage (see attached sheets.)
4. Time line.
5. Background information for the teacher. (I use *The United States Past to Present*, Heath Social Studies, 1985, pgs. 273-289.)
6. Class chart to record votes.

PROCEDURE

STAGE ONE

Motivation: Discuss how our Constitution planned for three branches of government to regulate the powers of each. Discuss how the legislative branch was divided into two houses to satisfy the argument between small and larger states. Each state has two senators, but the number of representatives depends on state population.

Tell students they will time travel to the early 1800s and become senators and representatives in the U.S. Congress. Randomly divide the class into two halves, the House of Representatives and the Senate.

Then have the House and Senate divide into Northern and Southern states. Have kids review their regional economies and background. Have each of the four groups discuss what their interests are.

Lesson: Pass out maps and the stage one cards. (Gray for Southern states, and blue for Northern states). Have kids color in maps with gray for states that joined the Confederacy and blue for states that remained in the Union for the Civil War. Point out that Maine was still a part of Massachusetts, and Virginia was not yet divided. Have each group decide on their stand towards slavery and choose a spokesperson for a brief debate. Have a student read Calhoun's quote card. (Stage One prepared envelope.)

Then, take a vote: Slavery or Abolish Slavery? Note, cards will not match numbers of students, so they will pool votes and vote as a group. Each card represents one vote. The teacher records votes on the class chart. If students are "in character," 22 House votes will be for slavery, with 25 against. The Senate will be evenly divided. Since it must be approved by both houses, the law will remain the same.

Make first time line entry. Tip: I have a time line strung across the room. As we study an historical event, we create a symbol representative of the event to hang from the time line.

STAGE TWO:
TIME TRAVEL TO 1819

Now, present students with the idea of having Missouri join the Union in 1819. Discuss problems and concerns. Add five more Representatives to Northern states due to immigrants who work in factories.

Have a Southern legislator read quote from Henry Clay, and discuss the compromise. Color Maine and Missouri on maps, and draw in line of Missouri Compromise.

Have students vote on slavery issue and record the results. The teacher reads the Thomas Jefferson quote, and a class discussion follows. Make a time line entry.

STAGE THREE:
DISCUSS CHANGES BETWEEN 1820 AND 1850

Discuss effects of more immigrants moving into Northern states, and how Southern states argued that according to the 10th Amendment, powers not given to the national government belong to each state. Could states decide for themselves if the law passed was in keeping with the Constitution?

Add states, one at a time. Have kids color admissions as you go. Discuss the Missouri Compromise. Are both sides content with developments?

After adding six new states, take and record votes on slavery issue. Make a time line entry.

STAGE FOUR:
TIME TRAVEL TO 1850

California asks to join the Union as a free state. Pass out six more Northern representatives due to more immigration. Congress discusses issues and concerns. Have students read Calhoun, Webster, Clay, Calhoun, and Webster cards in order. Have a debate with a representative from each group.

Congress agrees to compromise, so add and color California blue.

Class votes and then discuss feelings. Will peace last long? Why, or why not? By this time, the kids are pretty "hot". Ask for predictions. Do they see problems coming? Make a time line entry.

STAGE FIVE

Discuss the history and ideas of Abolitionists such as Frederick Douglass and Harriet Tubman. Discuss the impact of "Uncle Tom's Cabin," and the Underground Railroad. (Northern side has strong negative sentiments towards slavery, while Southern side is trying to justify it.)

Time travel to 1854 as Kansas and Nebraska ask to join the Union. Have a student read the Douglas quote. Nebraska joins as a free state. Kids color and date map. Allow a brief debate on Kansas. It will probably become heated as legislators defend their causes.

Provide historical background on Kansas becoming a battleground, with over 200 deaths. Discuss development of the Republican party with its Abolitionist stand. The teacher reads the Lincoln quote.

Announce that Lincoln has been elected president. Have legislators discuss actions to take. Provide historical information on the secession of South Carolina in 1860, followed by Missouri, Florida, Georgia, Louisiana, Texas, and Alabama by February, 1861.

Debrief: Have both groups decide how they would deal with the crisis, and compare and contrast with actual historical events. Discuss emotions and how this issue still affects us. This makes a great lead into a study of prejudices. Make a time line entry.

EVALUATION
Students' knowledge may be assessed by written essay, class discussion, and performance during the simulation.

TIPS FOR THE TEACHER
A good follow-up activity would be to assess each side's strengths and weaknesses in readiness for a war. Many good filmstrips and books are available to teach events of the Civil War. I have found that the simulation leaves the kids anxious to learn more about its outcome.

Students become very involved and may need reminding that they're acting, and not actually going to war. Be sure to plan for an area where noise won't bother other classes. As the debates heat up, so does the noise level.

Upper level teachers may want to have students research conditions and political climate in the early 1800s.

STATE ABBREVIATIONS

AL	ALABAMA
AK	ALASKA
AZ	ARIZONA
AR	ARKANSAS
CA	CALIFORNIA
CO	COLORADO
CT	CONNECTICUT
DE	DELAWARE
FL	FLORIDA
GA	GEORGIA
HI	HAWAII
ID	IDAHO
IL	ILLINOIS
IN	INDIANA
IA	IOWA
KS	KANSAS
KY	KENTUCKY
LA	LOUISIANA
ME	MAINE
MD	MARYLAND
MA	MASSACHUSETTS
MI	MICHIGAN
MN	MINNESOTA
MS	MISSISSIPPI
MO	MISSOURI
MT	MONTANA
NE	NEBRASKA
NV	NEVADA
NH	NEW HAMPSHIRE
NJ	NEW JERSEY
NM	NEW MEXICO
NY	NEW YORK
NC	NORTH CAROLINA
ND	NORTH DAKOTA
OH	OHIO
OK	OKLAHOMA
OR	OREGON
PA	PENNSYLVANIA
RI	RHODE ISLAND
SC	SOUTH CAROLINA
SD	SOUTH DAKOTA
TN	TENNESSEE
TX	TEXAS
UT	UTAH
VT	VERMONT
VA	VIRGINIA
WA	WASHINGTON
WV	WEST VIRGINIA
WI	WISCONSIN
WY	WYOMING

QUOTE CARDS

Copy the following quotes on gray or blue as indicated and store in envelope of matching stage number. (Cards are to be read following numbered sequence.)

GRAY:

Senator John C. Calhoun:

"Slavery is good."

(STAGE ONE)

Henry Clay (KY):

"I have a plan we'll call the Missouri Compromise. Maine can enter as a free state, and Missouri as a slave state."

(STAGE TWO, #1)

Thomas Jefferson:

"I consider the compromise an omen of death for this union."

(STAGE TWO, #2)

John Calhoun:

"A state can refuse to obey a law passed by Congress if it feels the law goes against the Constitution. It may even leave the Union!"

(STAGE FOUR, #1)

(Gray continued on next page)

Gray, continued:

Henry Clay (KY):

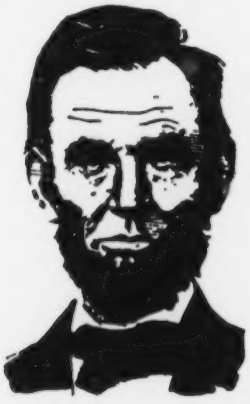
"We'll have to compromise again! California can be admitted as a free state, and we will outlaw the selling of slaves in Washington, D.C. To please the South, land won from Mexico will be divided into two territories, New Mexico and Utah. They may decide whether to be free, or a slave state. Secondly, we will pass a law making it easier for slave owners to get back runaway slaves."

(STAGE FOUR, #3)

Calhoun:

"We refuse to accept the compromise. We will give up too much, and gain too little."

(STAGE FOUR, #4)



BLUE:

Daniel Webster (MA):

"No state has the right to refuse to obey any law made by Congress."

(STAGE FOUR, #2)

Webster:

"I speak not as a Massachusetts man, not as a Northern man, but as an American and a member of the Senate of the United States. I speak today because I do not want the Union broken up."

(STAGE FOUR, #5)

Stephen A. Douglas (IL):

"The people of Kansas and Nebraska should decide for themselves whether they want slavery or not."

(STAGE FIVE, #1)

Abraham Lincoln:

"A house divided against itself cannot stand."

(STAGE FIVE, #2)

RUN ONE COPY ON **GRAY** PAPER, CUT, AND STORE IN ENVELOPE:

STAGE ONE

(1) TN SENATE	(1) TN SENATE	(1) TN HOUSE	(1) TN HOUSE
(1) NC SENATE	(1) NC SENATE	(1) NC HOUSE	(1) NC HOUSE
(1) LA SENATE	(1) LA SENATE	(1) LA HOUSE	(1) LA HOUSE
(1) VA SENATE	(1) VA SENATE	(1) VA HOUSE	(1) VA HOUSE
(1) DE SENATE	(1) DE SENATE	(1) DE HOUSE	(1) DE HOUSE
(1) KY SENATE	(1) KY SENATE	(1) KY HOUSE	(1) KY HOUSE
(1) MS SENATE	(1) MS SENATE	(1) MS HOUSE	(1) MS HOUSE
(1) AL SENATE	(1) AL SENATE	(1) AL HOUSE	(1) AL HOUSE
(1) GA SENATE	(1) GA SENATE	(1) GA HOUSE	(1) GA HOUSE
(1) MD SENATE	(1) MD SENATE	(1) MD HOUSE	(1) MD HOUSE
(1) SC SENATE	(1) SC SENATE	(1) SC HOUSE	(1) SC HOUSE

RUN ONE COPY ON **GRAY** PAPER, CUT, AND STORE IN ENVELOPE:

BELOW ARE CARDS FOR STAGE TWO:

MO (2) 1819 SENATE	**MO** (2) 1819 SENATE	**MO** (2) 1819 HOUSE	**MO** (2) 1819 HOUSE

BELOW ARE CARDS FOR STAGE THREE:

AR (3) 1836 SENATE	**AR** (3) 1836 SENATE	**AR** (3) 1836 HOUSE	**AR** (3) 1836 HOUSE
FL (3) 1845 SENATE	**FL** (3) 1845 SENATE	**FL** (3) 1845 HOUSE	**FL** (3) 1845 HOUSE
TX (3) 1845 SENATE	**TX** (3) 1845 SENATE	**TX** (3) 1845 HOUSE	**TX** (3) 1845 HOUSE

BELOW ARE CARDS FOR STAGE FIVE:

KS ? (5) SENATE	**KS ?** (5) SENATE	**KS ?** (5) HOUSE	**KS ?** (5) HOUSE

GLUE CARDS IN THE LAST ROW ABOVE BACK-TO-BACK WITH MATCHING BLUE CARDS.

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RUN ONE COPY ON BLUE PAPER, CUT, AND STORE IN ENVELOPE:

STAGE ONE

(1) OH SENATE	(1) OH SENATE	(1) OH HOUSE	(1) OH HOUSE
(1) IN SENATE	(1) IN SENATE	(1) IN HOUSE	(1) IN HOUSE
(1) PA SENATE	(1) PA SENATE	(1) PA HOUSE	(1) PA HOUSE
(1) NH SENATE	(1) NH SENATE	(1) NH HOUSE	(1) NH HOUSE
(1) RI SENATE	(1) RI SENATE	(1) RI HOUSE	(1) RI HOUSE
(1) CT SENATE	(1) CT SENATE	(1) CT HOUSE	(1) CT HOUSE
(1) MA SENATE	(1) MA SENATE	(1) MA HOUSE	(1) MA HOUSE
(1) IL SENATE	(1) IL SENATE	(1) IL HOUSE	(1) IL HOUSE
(1) VT SENATE	(1) VT SENATE	(1) VT HOUSE	(1) VT HOUSE
(1) NJ SENATE	(1) NJ SENATE	(1) NJ HOUSE	(1) NJ HOUSE
(1) NY SENATE	(1) NY SENATE	(1) NY HOUSE	(1) NY HOUSE

STAGE ONE, CONTINUED (COPY ON BLUE):

① 1 HOUSE REP.	① 1 HOUSE REP.	① 1 HOUSE REP.	

BELOW ARE CARDS FOR STAGE TWO (COPY ON BLUE):

② ME 1819 SENATE	② ME 1819 SENATE	② ME 1819 HOUSE	② ME 1819 HOUSE
② 1 HOUSE REP.	② 1 HOUSE REP.	② 1 HOUSE REP.	② 1 HOUSE REP.
② 1 HOUSE REP.			

BELOW ARE CARDS FOR STAGE THREE (COPY ON BLUE):

③ MI 1837 SENATE	③ MI 1837 SENATE	③ MI 1837 HOUSE	③ MI 1837 HOUSE
③ IA 1846 SENATE	③ IA 1846 SENATE	③ IA 1846 HOUSE	③ IA 1846 HOUSE
③ WI 1846 SENATE	③ WI 1846 SENATE	③ WI 1846 HOUSE	③ WI 1846 HOUSE
③ 1 HOUSE REP.	③ 1 HOUSE REP.	③ 1 HOUSE REP.	

BELOW ARE CARDS FOR STAGE FOUR (COPY ON BLUE):

CA (4) 1850 SENATE	CA (4) 1850 SENATE	CA (4) 1850 HOUSE	CA (4) 1850 HOUSE
1 HOUSE REP. (4)	1 HOUSE REP. (4)	1 HOUSE REP. (4)	1 HOUSE REP. (4)
1 HOUSE REP. (4)	1 HOUSE REP. (4)		

BELOW ARE CARDS FOR STAGE FIVE (COPY ON BLUE):

NE (5) 1854 SENATE	NE (5) 1854 SENATE	NE (5) 1854 HOUSE	NE (5) 1854 HOUSE
1 HOUSE REP. (5)	1 HOUSE REP. (5)	1 HOUSE REP. (5)	1 HOUSE REP. (5)
1 HOUSE REP. (5)	1 HOUSE REP. (5)		
KS ? (5) SENATE	KS ? (5) SENATE	KS ? (5) HOUSE	KS ? (5) HOUSE

GLUE CARDS IN THE LAST ROW ABOVE BACK-TO-BACK WITH MATCHING GRAY CARDS (ON LAST PAGE OF CARDS).

Our Rights and How They Are Protected -- An Elementary Approach

Margaret Ellen Matthews
Martin Luther King, Jr. Elementary
Las Vegas, Nevada

OVERVIEW
For younger children to have an understanding of how our legal system works it is often necessary to relate this to something in their own immediate environment. This lesson takes the concept of how everyone has rights and that these rights are protected in those places. This unit is based on the whole language approach to teaching.

GOALS
As a result of this lesson, children will understand that we all have certain human rights, and that our rights are protected by rules and laws at home, at school, and in the community. They will also come to understand that when laws are broken, there is a process to ensure that justice prevails.

AUDIENCE
Designed for grades three through five; adjustable for grades two through six.

TIME TO COMPLETE
This activity is designed as a three-part lesson. The length of teaching time on each part may vary with the age of the students, but the lesson typically takes about two weeks, one class a day.

MATERIALS AND OUTSIDE RESOURCES
Most materials used in this unit would be those commonly found in a classroom. Supplemental materials might include:

1. Poster board to write students' rights and responsibilities, rules, and consequences to display in the classroom throughout the year.

2. Manila folders or folders made from large construction paper for students to use to keep their papers in while working on the project.

3. Books that might be read to students or used as novels as part of the reading program while teaching this unit or before as an introduction.

Primary:
Greene, Carol, *Martin Luther King, Jr.: A Man Who Changed Things* (Children's Press: Chicago, 1989).
Boone-Jones, Margaret, *Martin Luther King, Jr.: A Picture Story* (Children's Press: Chicago, 1968).
Breth, Sara Bonnett, *About Handicaps* (Walker and Company: New York, 1974).
Hazen, Barbara Brock, *Two Homes To Live In* (Human Services Press Inc.: New York, 1983).
Sinberg, Janet, *We Got This New Baby At Our House* (Avon Books: New York, 1980).

Intermediate:
Davidson, Margaret, *I Have a Dream.*
Levine, Ellen, *If You Lived at the Time of Martin Luther King* (Scholastic Inc.: New York, 1990).
Blume, Judy, *It's Not the End of the World* (Bantam Books: Scarsdale, NY, 1972).

4. Books and programs which encourage the concept of working together and preserving and respecting everyone's rights such as TRIBES, a process for social development and cooperative learning by Jeanne Gibbs.

5. For older children, field trips to a courtroom or having a judge come in to speak with the class could enhance the lesson.

PROCEDURE

PART 1: RIGHTS AND THE FAMILY

Day One
Brainstorm on the board the rights a person has in their own home. The discussion should lead to the idea of personal rights and safety, respect, and the right to express yourself.

The brainstorming might be done by using a web as shown in illustration #1. This not only helps the children clarify the idea but gives them practice in sorting ideas. For older children, an outline could also be used. Have each child make their own personal web or outline. This gives them ownership and gets them more directly involved.

When the children are through with their webs or outlines, have them share them in pairs or groups. Have students pick one good idea they think the other student or students had. Have three or four share theirs with the class.

When students have completed the lesson for the day give them folders and have them place their Family Rights Web in them.

Day Two
Have the students take out their folders and place their Family Rights Web on their desks. Students then take a sheet of notebook paper and fold it lengthwise to form two columns. At the top of column one, write "Family Rights" and at the top of the second column write "Rules". You could run off copies with this information already printed.

In column one, have the students copy their list of family rights which they webbed or outlined on yesterday's paper.

Discuss how these rights are protected. Have students come up with ideas of rules or laws. Draw a chart on the board like the one the children have in front of them. Have three or four students read the family rights they had listed on their papers and copy these onto your board chart. In the second column on the board have students give you answers of rules or laws that protect each of the rights listed. Once they get the idea of this have them complete their charts. Give the students a chance to share their charts in pairs or groups as they did the day before. When the day's work is completed have everyone place all their work in their folders.

Day Three
Have students take their "Rights and Rules" papers from their folders. Write the word "justice" on the board. Have the word defined and give examples.

On another sheet of paper titled "Justice," a flow chart will be created showing first, "a right," second, "a way that a right is protected" (rules and laws), and third, what happens if the rule is violated. (See Illustration #2.) Present an example or two on the board, then have students take rights and rules from their original paper and write two or three examples on their "Justice" flow chart. When work is completed have students return all work to their folders.

PART 2: RIGHTS AT SCHOOL
Follow the same procedures as in Part 1.

Day Four
Brainstorm and list rights at school.

Day Five
Brainstorm and write rules that protect rights at school.

Day Six
Discuss what happens if rights are violated when someone does not follow the rules. Do a sample flow chart on the board and then have students complete two or three on their own.

If class rules have not yet been established for the year, students could participate in this by making up a list of rules and consequences. These could then be posted on a chart in the classroom. In making a list of class rules, it is best to stick to about five. Most ideas the students bring out could fit into one of about five main areas.

PART 3: RIGHTS IN THE COMMUNITY
Follow the same procedures as in Parts 1 and 2.

Day Seven
Brainstorm and list rights everyone in a community or town has.

Day Eight
Discuss rules and laws that protect people in their towns. If the word "law" has not yet been introduced, do so at this time. Tell them "law" and "rule" are synonyms. Have students write laws that protect each of the rights they listed the day before.

Day Nine
Discuss what happens when people don't obey the rules and rights. Students should bring out the idea of police to enforce laws, people being arrested, paying fines for not following laws, and the use of trials to determine guilt or innocence. Tie this back to how teachers and principals enforce rules at school and moms and dads protect rights at home.

Do a flow chart together on the board showing this and then have students make their own. For older students a mock trial could be conducted at this point.

Day Ten
This is where the lesson ties together the ideas that: (1) We all have rights at home, school, and in our community; (2) The rights are protected by rules and laws; and (3) If people do not follow these rules, we can get justice by getting help from parents at home, teachers and principals at school, and from policemen, lawyers and judges in our community.

Have students spread all the papers from their folder out on their desks. Place and then tape them together as indicated in Illustration #3. Display the final project in the room or in the hall.

ILLUSTRATION #1

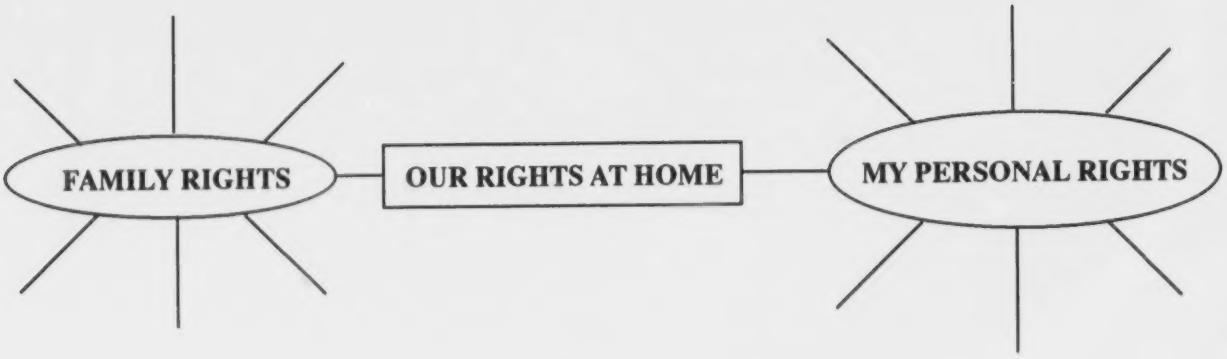


ILLUSTRATION #2

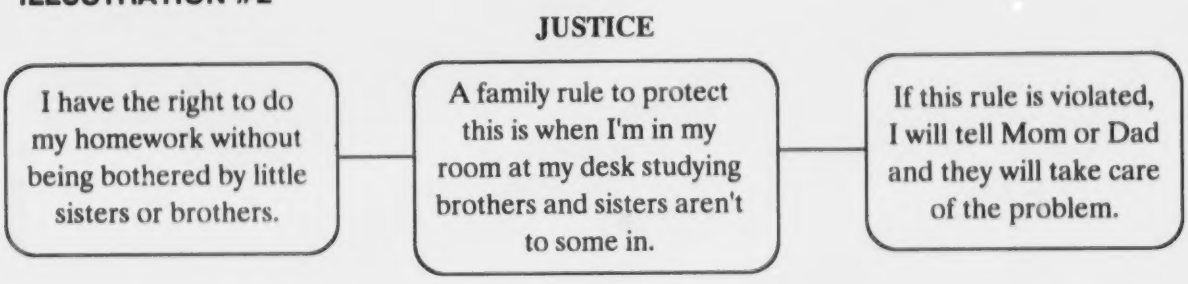
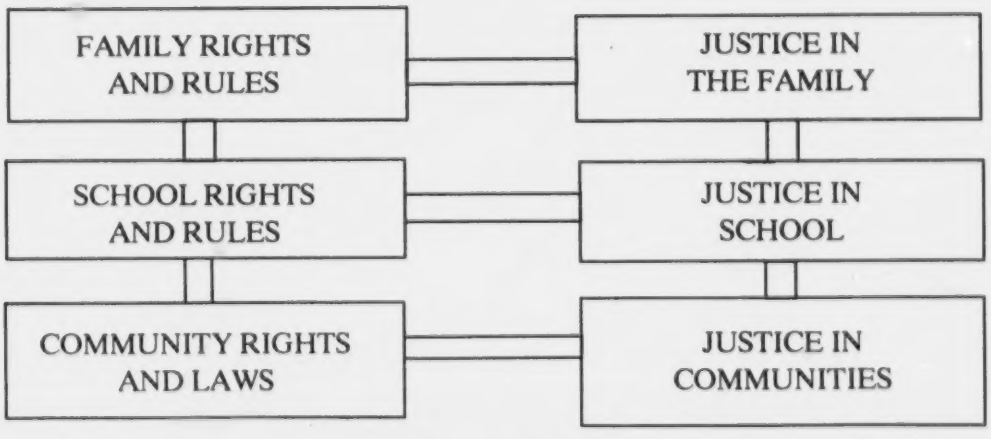

JUSTICE
I have the right to do my homework without being bothered by little sisters or brothers.
A family rule to protect this is when I'm in my room at my desk studying brothers and sisters aren't to some in.
If this rule is violated, I will tell Mom or Dad and they will take care of the problem.

ILLUSTRATION #3



Privacy Versus Prohibition: Can Morality Be Legislated?

Joel Latman
Montville High School
Oakdale, Connecticut

OVERVIEW

The era of Prohibition also has been referred to as a period marked by graft and corruption. Prohibition has also been referred to as the noble experiment: an era marked by legislation designed to regulate the morals of Americans. This lesson will enable students to make value judgments concerning the success of those who were directly responsible for the passage of the 18th Amendment and the Volstead Act.

By exploring both primary and secondary sources, students may determine whether or not a democratic society can pass and execute legislation specifically designed to alter the morals of its general population. Students will also be able to determine whether or not the privacy of individuals was compromised as a direct result of the passage of the Volstead Act.

GOALS

- Students will be able to demonstrate their knowledge concerning the purposes of the 18th Amendment and the Volstead Act.
- Students will become familiar with using both primary and secondary sources in formulating their responses to essay questions dealing with the issue of morality versus legality.
- Students will explore both the 18th Amendment and the Volstead Act to determine some of the problems faced by law enforcement officials who were charged with enforcing each of these legislative actions, such as privacy concerns.
- Students will demonstrate their ability to make inferences concerning Prohibition and their understanding of how Prohibition directly contributed to an increase in the crime rate; students will also be able to make value judgments concerning the overall success of the noble experiment.

AUDIENCE

Grades 11 & 12.

TIME TO COMPLETE

Three days.

PROCEDURE

A. Ask students to read excerpts from documents to determine why Prohibition was implemented and what it was like to live during the era of Prohibition.

B. Ask students to write inference statements concerning the reasons behind Prohibition.

C. Ask students to make inferences concerning whether or not the Prohibition movement led to either an increase in crime or a reduction in the crime rate during the 1920s and the early 1930s.

D. After viewing both the 18th Amendment and the Volstead Act, direct students to evaluate how effective law enforcement officials were in executing federal and state laws.

E. Ask students to read the 4th Amendment and determine whether or not enforcement of Prohibition laws could be accomplished given the mood of the general population.

F. Have students respond to essay questions dealing with Prohibition from both a legalistic point of view and a moralistic point of view.

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Evaluation Activity

Select three of the following essay questions.
Utilize examples from each of the documents in developing your essay responses.

1. Society often reacts to a given problem by passing laws. However, new laws sometimes compound existing problems. Defend or rebut the above statement as it may be applied to the Prohibition era.

2. Federalism provides for powers to be shared by both the national and state governments. Concurrent powers such as law enforcement emphasize cooperation between federal and state governments but such was not the case during the era of Prohibition. Please comment on the degree of teamwork exercised by national, state, and local law enforcement officials in the enforcement of both the 18th Amendment and the Volstead Act.

3. Legislation aimed at combating the use of alcohol backfired during the Prohibition era. Instead of serving to combat crime, the 18th Amendment and the Volstead Act contributed to an increase of crime in America during the late 1920s and early 1930s. Please refute or defend this statement.

4. Morality refers to rules of conduct that are exercised by a given society. These rules of behavior have been passed down to members of a given society through the teaching of parents, clergy, and others. Government, at times, has attempted the difficult task of legislating morality; such was the case during the Prohibition era. Using the documents that have been presented, evaluate how successful the United States government was in trying to legislate morality for the American people.

5. During certain time periods in American history, the right of individual privacy has been violated by overzealous law enforcement officials who believed that their actions were justified by what they saw as a serious threat to American values. Based upon the evidence that was presented in the documents, did such a threat exist in America during the Prohibition era, and did law enforcement authorities act properly in carrying out their duties by enforcing existing privacy laws? Please use examples to defend your answer.

Documents For Activities A and B

A. "During those years of temperance victories the per capita consumption of wine, whiskey, and beer rose from slightly over four gallons to almost six and one-half."

B. "Before Prohibition the average New York saloon price of a highball or cocktail containing one ounce of liquor ran two for a quarter, straight whiskey 10 to 15 cents a shot and beer a nickel a schooner. With Prohibition prices doubled, tripled and quadrupled, but supplies were so plentiful and competition among bootleggers grew so fierce that they eventually dropped back."

C. "The humorist and connoisseur of speakeasies Robert Benchley once counted thirty-eight of them on Fifty-second Street. Such was the street's reputation that a lady who occupied a guiltless brownstone between two speakeasies was obliged to post a sign: This Is A Private Residence. Do Not Ring."

D. "The *New York Telegram* once assigned a team of reporters to investigate the availability of liquor in the borough of Manhattan alone. They managed to buy it in dancing academies, drugstores, delicatessens, cigar stores, confectioneries, soda fountains, behind partitions of shoeshine parlors, back rooms of barbershops, from hotel bellhops, from hotel headwaiters, from hotel day clerks, night clerks, in express offices, in motorcycle delivery agencies, paint stores, malt shops, cider stubes, fruit stands, vegetable markets, groceries, smoke shops, athletic clubs, grillrooms, taverns, chophouses, importing firms, tearooms, moving-van companies, spaghetti houses, boarding houses, Republican and Democratic clubs, laundries, social clubs, newspapermen's associations."

E. "By 1921 the one-gallon liquor still had become a commonplace domestic utensil, and over some sections of big cities the reek of sour mash hung like a miasma."

F. "At the same time commercial stills, priced around $500 were producing 50 to 100 gallons a day at a cost of 50 cents a gallon and selling at $3 or $4."

G. See attached

H. See attached

I. See attached

G.

REPORT OF METROPOLITAN POLICE DEPARTMENT
Vincennes, Indiana, January 1, 1923.

To the Honorable Board of Police Commissioners of the City of Vincennes, Indiana.

We have the honor to submit to you for your consideration and approval the annual report of the Metropolitan Police Department of the City of Vincennes, Indiana, for the year ending December 31, 1922.

Adultery	16
Assault and Battery	70
All other misdemeanors	16
Bastardy	3
Carrying concealed weapons	8
Drawing deadly weapons	5
Delinquency	2
Deserter	1
Deserting child and wife	2
Forgery	10
Fornication	6
Fugitive	6
Gambling	59
Grand Larceny	11
Intoxication	285
Insanity	5
Incest	1
Non support	12
No tail light	9
Provoke	8
Petit Larceny	36
Prostitution and Associating	27
Riot	4
Rape	3
Suspicion	3
Surety of Peace	1
Speeding	87
Violations of Liquor Law	111
Vagrancy	4
Vehicle taking	3
Total number of arrests	814

NATIONAL ARCHIVES
The 1920s--Document

H.

Phila: Pa
7/22/29

Mr. Wickersham;
Dear Sir,

Please hear the plea of a heartbroken mother and send some reliable person to investigate the condition of an Italian joint, where children are sold rum for ten cents a drink. My boy with several companions Went swimming and after the swim they suggested he go with them to get something to warm them up consequently my thirteen year old boy was brought home to me in a stupor.

Willingly would I send you his name but I dread the publicity his father is dead I am alone trying to rear him an honorable American but how can I when this foreigner I doubt if he has ever been naturalized is allowed to ruin my boy.

The City wont close him up he has been arrested several times,he keeps right on doing business, he has been in this vicinity for the last six years and in this present location the last three.

This Italian is known by the name of Nick he had a shack at 63 and Lindberg Boulevard a man brought the ground put up a Sun Gasoline Station and knowing that he sold rum built him a restaurant right in the station that is where my boy bought his, then they moved the old shack across the road and that is where it is hid in and around the old shack.

Send one of your men to 63 &Lindberg Boulevard on the Back Road stay around that Sun Station watch the Restaurant an the shack across the road, noon hour is a good time that is when I went down to remonstrate with him never in my life did I meet with such insults he was surrounded with bums and ordered me out under threat that he would have one of them throw me out, I dont know why I didnt kill him. I am desperate no one can touch him so I come to you last with my plea please help save these boys from that poisoned rum.

My boy is a good boy a pupil of the Tilden Junior High and carried off the highest honors in his class last term.

Truly Yours.
A Mother

RECEIVED
JUL 23 1929
NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT

NATIONAL ARCHIVES
The 1920s - Document

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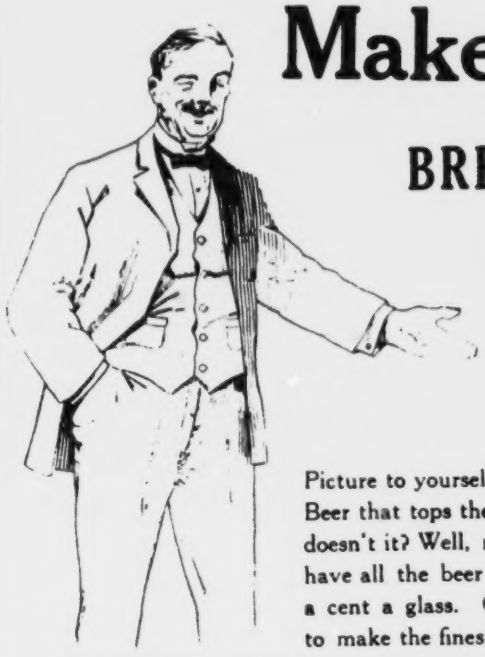
DOCUMENT I



Make It Yourself

BREW YOUR OWN BEER

AT HOME WITH

Brumalt

Picture to yourself a glassful of Healthful, Zestful, Invigorating Beer that tops the glass with a rich creamy foam—Sounds good, doesn't it? Well, make it yourself with BRUMALT and you will have all the beer you want whenever you want it, at less than a cent a glass. Our instructions are simple and it is very easy to make the finest beer with BRUMALT.

EACH 2½ LB. CAN MAKES 58 BOTTLES OF THE FINEST BEER

EACH 2½ LB. CAN MAKES 58 BOTTLES OF THE FINEST BEER

Brumalt is a Pure and Highly Concentrated Extract of Pure Barley Malt Specially Prepared for Beverage Purposes. Only by using Brumalt are you assured of getting a pure healthful, invigorating Beer.

SEND US YOUR ORDER TODAY

Danciger Brumalt Company

306-08-10 West Sixth St. **KANSAS CITY, MO**

NATIONAL ARCHIVES
The 1920's—Document I

Documents for Activities C, D, and E

J. See attached

K. See attached

L. See attached

M. See attached

N. See attached

O. See attached

P. See attached

Q. See attached

R. See attached

S. See attached

T. "I found the fifth floor of the Federal Building a seething mob of bartenders, peddlers, waiters, bond runners, fixers.... Federal judges have told me... that the whole atmosphere of the Federal Building was one of pollution, that the air or corruption had even descended into the civil parts of the court, and reports were made... of attempting to bribe jurymen even in the toilets of the building."

U. "In line with Section 2 of the 18th Amendment ('The Congress and several states shall have concurrent power to enforce this article by appropriate legislation') most states enacted supplementary liquor laws. New York modeled its Mullan-Gage Law, adopted In April 1921, on the Volstead Act. During the next three years the grand jury heard 6,904 cases. It dismissed 6,074. Of those that went to trial only 20 ended in convictions."

V. "Mother's in the kitchen
Washing out the jugs:
Sister's in the pantry
Bottling the suds:
Father's in the cellar
Mixing up the hops:
Johnny's on front porch
Watching for the cops"

W. "On December 29, Campbell chose the Helen Morgan Club as his first horrible example, personally leading a raid in which his agents demolished the place and removed all of the furniture. He acted without a warrant, citing as justification a federal statute under which the property of a person who had not paid the tax on liquor could be confiscated."

X. "The distillation of rum (used in tobacco products) and brandy (medicaments and certain food products), which never stopped, amounted to 7,000,000 and 8,000,000 gallons respectively during the first nine years of Prohibition. Almost 14,000,000 gallons of wine were distilled for therapeutic use to doctors and druggists or for sacramental rites to rabbis, priests and ministers. During the same period, commercial brewers legally produced more than a billion gallons of beer with the understanding that they would covert it to near beer by reducing the alcoholic content. But only the brewer's conscience could oblige him to emasculate his product. Short of keeping a twenty-four hour watch on each of hundreds of breweries, the government could not control the output. Even if the brewer chose to obey the law, it was a simple matter for the distributor or purchaser to restore the original strength by spiking the barrels with alcohol. Needle beer became a staple of the era."

SUBJECT ..... Name of Paper ..... City ..... State ..... Date ..... Circulation .....

DOCUMENT J

THE BIG SPECIALIST REPORTS HIS FINDINGS

109

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DOCUMENT K

GEORGE W. DEXTER
ATTORNEY AT LAW
MARYLAND CASUALTY BUILDING
BALTIMORE

June 10, 1929

Hon. Geo. W. Wickersham
Chairman Law Enforcement Committee
Department of Justice
Washington, D. C.

Sir:

I trust that you will pardon this unsolicited observation, but I believe I voice the sentiments of good citizens everywhere in saying that there is more interest perhaps than you are aware in the result of the deliberations of the splendid committee of which you are the chairman.

First, it seems that justice is defeated in some instances by virtue of information given out for publication by police officers and prosecuting attorneys in advance of the capture of those charged with crime and prior to the time that they are actually tried. Doubtless the desire to appear in the public press is the cause in both instances, but the result is the same as the criminals can follow the daily developments through the newspapers and make their escape if not yet captured, or prepare their defense if not yet tried.

Second, the newspapers seem to be making law enforcement more difficult by giving crime great value as "news" and assigning headlines accordingly. It is also treating the capture and conviction of many accused of crime as something of a sporting event. The press is not urging law enforcement as it might do. On the contrary, by editorials and by cartoons, it sometimes actually ridicules acts of public officials engaged in capture and prosecution of those charged with crime and holds public officials and others interested up to ridicule. There are few men who can withstand ridicule. It is the most subtle of instruments thus employed, and particularly when used as cartoons. Indeed it seems, to some at least, that the misguided value of crime as news and the misdirected attitude of the newspapers at the present time would constitute the greatest single deterrent to law enforcement.

I am sure that your committee will consider this feature along with all the others, but you will pardon me in saying that possibly a changed attitude on the part of newspapers would go further than any other agency in bringing about the end your committee so much desires.

Very respectfully,

Geo W Dexter

GWD:AER

NATIONAL ARCHIVES
The 1920's—Document K

ALEXANDER B. GEARY
JAMES L. RANKIN
MATTHEW RANKIN

LAW BUILDING
12-14 E. 5TH STREET

TELEPHONES
2646-2647-2648
NOTARY PUBLIC

LAW OFFICES
OF
GEARY & RANKIN
CHESTER, PA.

June 6, 1929.

Hon. George W. Wickersham,
Law Enforcement Commission,
Washington, D. C.

Dear Mr. Wickersham:

To begin with, I am convinced that you told the truth in your address yesterday.

For some time, I have been inclined to believe that our compulsory education laws, as they exist, contribute somewhat to the criminal class. In this State, a youth, until sixteen years of age, is prohibited from working and compelled to attend school. There are a large number of boys not bent toward a school education, and in addition to avoiding study, we find them loitering around street corners, pool rooms, etc., with the result that when they arrive at sixteen years of age, they have not been trained to work, and it is practically impossible to persuade them to work. From that class, come many of our hold-up men, gunmen, etc.

You have probably noted that the greater part of the criminal class is made up of young men.

Very truly,

A. B. Geary

ABC:ALH

NATIONAL ARCHIVES
The 1920's—Document L

DOCUMENT L

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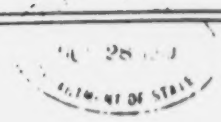
H. R. 6810.



Sixty-sixth Congress of the United States of America;

At the First Session,

Begun and held at the City of Washington on Monday, the nineteenth day of May, one thousand nine hundred and nineteen.

AN ACT

To prohibit intoxicating beverages, and to regulate the manufacture, production, use, and sale of high-proof spirits for other than beverage purposes, and to insure an ample supply of alcohol and promote its use in scientific research and in the development of fuel, dye, and other lawful industries.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the short title of this Act shall be the "National Prohibition Act."

TITLE I.

TO PROVIDE FOR THE ENFORCEMENT OF WAR PROHIBITION.

The term "War Prohibition Act" used in this Act shall mean the provisions of any Act or Acts prohibiting the sale and manufacture of intoxicating liquors until the conclusion of the present war and thereafter until the termination of demobilization, the date of which shall be determined and proclaimed by the President of the United States. The words "beer, wine, or other intoxicating malt or vinous liquors" in the War Prohibition Act shall be hereafter construed to mean any such beverages which contain one-half of 1 per centum or more of alcohol by volume: *Provided*, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 per centum of alcohol by volume, and is made as prescribed in section 37 of Title II of this Act, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe.

SEC. 2. The Commissioner of Internal Revenue, his assistants, agents, and inspectors, shall investigate and report violations of the War Prohibition Act to the United States attorney for the district in which committed, who shall be charged with the duty of prosecuting, subject to the direction of the Attorney General, the offenders as in the case of other offenses against laws of the United States; and such Commissioner of Internal Revenue, his assistants, agents, and inspectors may swear out warrants before United States commissioners or other officers or courts authorized to issue the same for the apprehension of such offenders, and may, subject to the control of the said United States attorney, conduct the prosecution at the committing trial for the purpose of having the offenders held for the action of a grand jury.

SEC. 3. Any room, house, building, boat, vehicle, structure, or place of any kind where intoxicating liquor is sold, manufactured, kept for sale, or bartered in violation of the War Prohibition Act, and all intoxicating liquor and all property kept and used in maintaining such a place, is hereby declared to be a public and common nuisance, and any person who maintains or assists in maintaining such public and common nuisance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than $100 nor more than $1,000, or be imprisoned for not less than thirty days or more than one year, or both. If a person has knowledge that his property is occupied or used in violation of the provisions of the War Prohibition Act and suffers the same to be so used, such property shall be subject to a lien for, and may be sold to pay, all fines and costs assessed against the occupant of such building or property for any violation of the War Prohibition Act occurring after the passage hereof, which said lien shall attach from the time of the filing of notice of the commencement of the suit in the office where the records of the transfer of real estate are kept; and any such lien may be established and enforced by legal action instituted for that purpose in any court having jurisdiction. Any violation of this title upon any leased premises by the lessee or occupant thereof shall, at the option of the lessor, work a forfeiture of the lease.

SEC. 4. The United States attorney for the district where such nuisance as is defined in this Act exists, or any officer designated by him or the Attorney General of the United States, may prosecute a suit in equity in the name of the United States to abate and enjoin the same. Actions in equity to enjoin and abate such nuisances may be brought in any court having jurisdiction to hear and determine equity causes. The jurisdiction of the courts of the United States under this section shall be concurrent with that of the courts of the several States.

If it be made to appear by affidavit, or other evidence under oath, to the satisfaction of the court, or judge in vacation, that the nuisance complained of exists, a temporary writ of injunction shall forthwith issue restraining the defendant or defendants from conducting or permitting the continuance of such nuisance until the conclusion of the trial. Where a temporary injunction is prayed for, the court may issue an order restraining the defendants and all other

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persons from removing or in any way interfering with the liquor or fixtures, or other things used in connection with the violation constituting the nuisance. No bond shall be required as a condition for making any order or issuing any writ of injunction under this Act. If the court shall find the property involved was being unlawfully used as aforesaid at or about the time alleged in the potition, the court shall order that no liquors shall be manufactured, sold, bartered, or stored in such room, house, building, boat, vehicle, structure, or places of any kind, for a period of not exceeding one year, or during the war and the period of demobilization. Whenever an action to enjoin a nuisance shall have been brought pursuant to the provisions of this Act, if the owner, lessee, tenant, or occupant appears and pays all costs of the proceedings and files a bond, with sureties to be approved by the clerk of the court in which the action is brought, in the liquidated sum of not less than $500 nor more than $1,000, conditioned that he will immediately abate said nuisance and prevent the same from being established or kept therein a period of one year thereafter, or during the war and period of demobilization, the court, or in vacation the judge, may, if satisfied of his good faith, direct by appropriate order that the property, if already closed or held under the order of abatement, be delivered to said owner, and said order of abatement canceled, so far as the same may relate to said property; or if said bond be given and costs therein paid before judgment on an order of abatement, the action shall be thereby abated as to said room, house, building, boat, vehicle, structure, or place only. The release of the property under the provisions of this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject by law.

In the case of the violation of any injunction, temporary or permanent, granted pursuant to the provisions of this Title, the court, or in vacation a judge thereof, may summarily try and punish the defendant. The proceedings for punishment for contempt shall be commenced by filing with the clerk of the court from which such injunction issued information under oath setting out the alleged facts constituting the violation, whereupon the court or judge shall forthwith cause a warrant to issue under which the defendant shall be arrested. The trial may be had upon affidavits, or either party may demand the production and oral examination of the witnesses. Any person found guilty of contempt under the provisions of this section shall be punished by a fine of not less than $500 nor more than $1,000, or by imprisonment of not less than thirty days nor more than twelve months, or by both fine and imprisonment.

SEC. 5. The Commissioner of Internal Revenue, his assistants, agents, and inspectors, and all other officers of the United States whose duty it is to enforce criminal laws, shall have all the power for the enforcement of the War Prohibition Act or any provisions thereof which is conferred by law for the enforcement of existing laws relating to the manufacture or sale of intoxicating liquors under the laws of the United States.

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SEC. 6. If any section or provision of this Act shall be held to be invalid, it is hereby provided that all other provisions of this Act which are not expressly held to be invalid shall continue in full force and effect.

SEC. 7. None of the provisions of this Act shall be construed to repeal any of the provisions of the "War Prohibition Act," or to limit or annul any order or regulation prohibiting the manufacture, sale, or disposition of intoxicating liquors within certain prescribed zones or districts, nor shall the provisions of this Act be construed to prohibit the use of the power of the military or naval authorities to enforce the regulations of the President or Secretary of War or Navy issued in pursuance of law, prohibiting the manufacture, use, possession, sale, or other disposition of intoxicating liquor during the period of the war and demobilization thereafter.

TITLE II.

PROHIBITION OF INTOXICATING BEVERAGES.

SEC. 1. When used in Title II and Title III of this Act (1) The word "liquor" or the phrase "intoxicating liquor" shall be construed to include alcohol, brandy, whisky, rum, gin, beer, ale, porter, and wine, and in addition thereto any spirituous, vinous, malt, or fermented liquor, liquids, and compounds, whether medicated, proprietary, patented, or not, and by whatever name called, containing one-half of 1 per centum or more of alcohol by volume which are fit for use for beverage purposes: *Provided*, That the foregoing definition shall not extend to dealcoholized wine nor to any beverage or liquid produced by the process by which beer, ale, porter or wine is produced, if it contains less than one-half of 1 per centum of alcohol by volume, and is made as prescribed in section 37 of this title, and is otherwise denominated than as beer, ale, or porter, and is contained and sold in, or from, such sealed and labeled bottles, casks, or containers as the commissioner may by regulation prescribe.

(2) The word "person" shall mean and include natural persons, associations, copartnerships, and corporations.

(3) The word "commissioner" shall mean Commissioner of Internal Revenue.

(4) The term "application" shall mean a formal written request supported by a verified statement of facts showing that the commissioner may grant the request.

(5) The term "permit" shall mean a formal written authorization by the commissioner setting forth specifically therein the things that are authorized.

(6) The term "bond" shall mean an obligation authorized or required by or under this Act or any regulation, executed in such form and for such a penal sum as may be required by a court, the commissioner or prescribed by regulation.

(7) The term "regulation" shall mean any regulation prescribed by the commissioner with the approval of the Secretary of the Treasury for carrying out

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DOCUMENT N - 3 pages

FRANK L. POLK,
Acting Secretary of State of
the United States of America.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

KNOW YE, That the Congress of the United States at the second session, sixty-fifth Congress begun at Washington on the third day of December in the year one thousand nine hundred and seventeen, passed a Resolution in the words and figures following: to wit --

JOINT RESOLUTION
Proposing an amendment to the
Constitution of the United States.

RESOLVED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED (TWO-THIRDS OF EACH HOUSE CONCURRING THEREIN), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE --

"Section 1. After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for

beverage

beverage purposes is hereby prohibited.

"Sec. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

"Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress."

And, further, that it appears from official documents on file in this Department that the Amendment to the Constitution of the United States proposed as aforesaid has been ratified by the Legislatures of the States of Alabama, Arizona, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Hampshire, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, South Carolina, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin and Wyoming.

And, further, that the States whose Legislatures have so ratified the said proposed Amendment, constitute three fourths of the whole number of States in the United States.

Now therefore, be it known that I, Frank L. Polk, Acting Secretary of State of the United States, by virtue and in pursuance of Section 205 of the Revised Statutes

N

Statutes of the United States, do hereby certify that the Amendment aforesaid has become valid to all intents and purposes as a part of the Constitution of the United States.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the Department of State to be affixed.

Done at the City of Washington this 29th day of January in the year of our Lord one thousand nine hundred and nineteen.

Frank L. Polk

Acting Secretary of State.

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N

PIOMINGO
CHICKASAW CHIEFTAIN
from an authentic sketch from Life

THE NAME "CHISCA" ORIGINATED IN THE NAME OF AN INDIAN CHIEF AND OF HIS VILLAGE ON THE CHICKASAW BLUFFS WHERE NOW STANDS MEMPHIS

Hotel Chisca

RECEIVED
JUL 19 1929
NATIONAL COMMISSION ON LAW OBSERVANCE AND ENFORCEMENT

MEMPHIS, TENN. July 17 '29

Mr.G.W.Wickersham,
Washington,D.C.

Dear Sir;

Have just read that you say that "Justice to be effective should be speedy".

A very true saying;but a better one would be this; "Justice to be effective should be impartial."

The law will take up a negro or poor white man who has one-half pint in his house and wink at the wealthy man who has 2oo gallons in his house. A rich man here,crated up 25 cases of good whiskey,a few days ago and shipped it to Kansas City. He had kept it in his residence for many years and neither State or Federal law dared touch it,neither did either authority take notice,the other day,when he moved it.

There is plenty of law in regard to curbing or controling large combinations of money in the United States. These laws are being violated every day; Will your Commission take notice of this? Am enclosing some clippings--Read and see what the Writers think of your Commission.

One clipping tells of Capt.Lee,a Memphis Millionare who was caught red handed with 175 gallons of Liquor on his Wharf,but being this rich,neither the State Grand Jury or the Federal Authorities,care to bother Mr.Lee.

Had he been a Negro or poor white,he would be looking thru the bars at this time.

Yours very truly
Citizen of Arkansas.

✓ ans. Jan 16

DEPT. OF STATE
File
JAN 8 1926
Division of PW

WASHINGTON COUNTY

WOMEN'S CHRISTIAN TEMPERANCE UNION

Claysville, Pa. Jan. 6, 1926.

INDEX BUREAU
JAN 7 1926

SOLICITOR'S OFFICE
JAN 12 1926
DEPARTMENT OF ST.

811.114

Hon. Frank B. Kellogg
Sec. of State, Washington, D.C.

My dear Sir:

We note the fact that the International Society for the Liberty to make Alcohol in every country is planning to meet in our national capital on Jan. 16th. We believe this to be a movement of brewers, distillers, and wine growers, many of them foreigners, in a fight against the American constitution

Such a meeting, we believe should be prevented under the authority of the Federal Government. If undesirable persons can be expelled, why not prohibit the entrance of those who are coming to attack the constitution of the United States?

As a representative of more than seven hundred active members of W.C.T.U. and more than three hundred honorary members of the same organization, I most sincerely solicit your attention to this matter

Very respectfully yours

Mrs. W.C. Hall

County president of Womens Christian Temperance Union of Washington County, Pa.

NATIONAL ARCHIVES
The 1920's—Document P

DOCUMENT P

Miss Mabel Willebrant,
Ass't. Attorney General for
Prohibition,
Washington, D. C.

Dear Madame:-

Prohibition has been enforced for nine years, but it has never been enforced in a proper way as everyone knows especially in this section of the country.

I have reported several times to the Prohibition unit in New Jersey as well as to the Police Dept. in Newark, N. J. of the exsistence of two places which ought to be entirely closed and padlocked, and the owners sent back where they belong as they are not even citizens of the United States.

The first place is at the corner of Wood Street and Seventh Avenue in the City of Newark. By whom it is held no one knows, but the real fact is that the liquor is manufactured and sold right in the place under the eyes of boys and girls of young age, and it is across the street from the Second Precint Police Station. If the place is protected by the Police, no one knows, and why the Prohibition unit for New Jersey has done nothing is also a mist[illegible]

The second place is ran as a Grill Room at 174 Bloomfield Avenue by a notorious bootlegger by the name of Carmine Sica. This place is frequented by City Officials, and anyone that may pass in front of that door on Saturday evenings has a disgusting pleasure to see girls below eighteen to come down semi-nude and drunk, and go in taxi cabs with men, etc.

Kindly see if you can do anything to suppress these two places, and also your personality is not known to anyone still you deserve a lot of credit for your activity in the premises.

Very truly yours,

O. A. Calandra

P. S. If anything would be done, please do not do it through New York Operators as they know the New Jersey people very well.

NATIONAL ARCHIVES
The 1920's—Document Q

DOCUMENT Q

BEST COPY AVAILABLE

NATIONAL ARCHIVES
The 1920's--Document R

DOCUMENT R

reach a verdict.

A Sign and a Shot

Border patrolmen have been trying to halt the smuggling of liquor from Canada into Minnesota. It is a regulation, that when they set up a sign along a road, cars driving past must halt to be searched. Last Saturday a car containing a man, his wife and two children drove past such a sign near International Falls. According to the wife—who became a widow immediately afterward—they were driving slowly and were not yet entirely past the sign when a fusillade of bullets swept the car. The bullets were fired without warning and one of them struck the husband in the back of the neck, killing him instantly. An examination of the car showed no contraband. "I only did my duty," said the border patrol who fired into a family party.

Had he suspected the driver of being merely a bank robber, or perhaps a fugitive murderer, we doubt if he would have raked with his shotgun a car in which obviously there were innocent persons riding. But because he suspected that a quart or perhaps a gallon or two, of liquor was passing, he "shot to kill" to quote a customs order alleged to have been issued from Duluth. This was just one of those things that happen under prohibition.

A Province of the Hills

DOCUMENT S

NATIONAL ARCHIVES
The 1920's—Document S

Separation of Powers Game

Editor: Tarry L. Lindquist
Mercer Island Public Schools
Mercer Island, Washington

GOALS
Students will be able to:

- Name the three branches of the federal government and describe their functions.
- In small groups, list the powers of one branch on butcher paper.
- Write a situation involving a power of one or more branches of government.
- Determine jurisdiction(s) of situations.
- Locate the appropriate reference in the Constitution.
- Explain the constitutional jurisdiction to the class.

AUDIENCE
Middle school.

TIME TO COMPLETE
One 50-minute class period.

MATERIALS
3" x 5" cards; copies of the Constitution; felt pens; butcher paper.

PROCEDURE

1. Brainstorm with students and ask "What are the three branches of government?"
2. Have students define each of the branches and their functions.
3. Divide the class into small groups and assign each group to one of the branches of government.
4. Have each group list the powers of the branch on butcher paper.
5. Tell the class that you will read a series of situations, each involving a power of one or more branches of the government. (See Separation of Powers Worksheet.)
6. After each situation is read, each group will have one minute to discuss the situation and to decide if the power described belongs to its branch and to find the part of the Constitution justifying that decision.
7. At the end of the minute, the leader will say the word "vote" and each group must hold up a card, either "Claim" or "Do Not Claim." Each group will then explain the reasons for its decision. The teacher and students representing the other two branches will rule on the accuracy of the choice. Scoring will be as follows:

   a. Two points given for correctly claiming and justifying the claim of a power.

   b. One point given for correctly voting not to claim a power.

   c. Zero given for incorrectly claiming or not claiming a power.

ENRICHMENT AND/OR EXTENSION

An attorney could visit the class to discuss the three basic functions of government and the role that each plays in our system, or he or she could assist to debrief the activity by identifying which branch each situation falls within.

WORKSHEET FOR SEPARATION OF POWERS

Directions: Read each situation. Decide which branch(es) have jurisdiction. Write the letter for the branch(es) beside each situation.

(E) Executive
(L) Legislative
(J) Judicial

_____ 1. A bill is considered requiring automobile manufacturers to install seat belts.

_____ 2. A case is being appealed from the Texas Supreme Court.

_____ 3. The United States needs an ambassador to Ruritania.

_____ 4. There is a vacancy on the Supreme Court; a new justice must be appointed.

_____ 5. The United States has decided to recognize the new Republic of Xanadu.

_____ 6. The state of Arizona is suing California over water rights.

_____ 7. The army wants more money for tanks.

_____ 8. A law recently passed by the state of Louisiana has been challenged as being unconstitutional.

_____ 9. Ralph Z. has been charged with a federal crime of transporting stolen automobiles from Texas to Oklahoma.

_____ 10. Impeachment proceedings have been brought against the President.

_____ 11. A bill is being vetoed.

_____ 12. A State of the Union message is being prepared.

_____ 13. War is declared on Transylvania.

_____ 14. A federal income tax rebate is being considered.

_____ 15. A treaty with a foreign country to import oil is being negotiated.

_____ 16. A case has arisen over a collision between a U.S. naval vessel and a privately-owned freighter.

_____ 17. There is a dispute over land between two Indian tribes who claim the land was given to each of them under separate treaties.

_____ 18. A law is declared null and void.

ANSWER SHEET FOR SEPARATION OF POWERS
Directions: Read each situation. Decide which branch(es) have jurisdiction. Write the letter for the branch(es) beside each situation.

(E) Executive
(L) Legislative
(J) Judicial

__L__ 1. A bill is considered requiring automobile manufacturers to install seat belts.

__J__ 2. A case is being appealed from the Texas Supreme Court.

__E__ 3. The United States needs an ambassador to Ruritania.

__E__ 4. There is a vacancy on the Supreme Court; a new justice must be appointed.

__L__ 5. The United States has decided to recognize the new Republic of Xanadu.

__J__ 6. The state of Arizona is suing California over water rights.

__L__ 7. The army wants more money for tanks.

__J__ 8. A law recently passed by the state of Louisiana has been challenged as being unconstitutional.

__J__ 9. Ralph Z. has been charged with a federal crime of transporting stolen automobiles from Texas to Oklahoma.

__L__ 10. Impeachment proceedings have been brought against the President.

__E__ 11. A bill is being vetoed.

__E__ 12. A State of the Union message is being prepared.

__L__ 13. War is declared on Transylvania.

__L__ 14. A federal income tax rebate is being considered.

__L__ 15. A treaty with a foreign country to import oil is being negotiated.

__J__ 16. A case has arisen over a collision between a U.S. naval vessel and a privately-owned freighter.

__J__ 17. There is a dispute over land between two Indian tribes who claim the land was given to each of them under separate treaties.

E J L 18. A law is declared null and void.

(#18 is an example of how each branch may take actions that fall within another branch of government; the example shows the fiction of the "pure" functions of the three branches.)

Setting Up A Fair Classroom Government for the Year

Dixie L. Beck
Minden Middle School
Minden, Nebraska

OVERVIEW
This lesson is designed to get a positive start in the area of classroom rules in the first few weeks of classes. It is also designed to help students develop an understanding of the purpose of the Bill of Rights, the U.S. Constitution, and the levels of government in our society.

GOALS
Students will become aware of their inalienable rights, constitutional rights, and classroom rights. They will solve classroom problems by applying their own classroom constitution to the situation. They will decide what is fair in any disruptive situation that may arise during the school year. Thus, they will become a self- governing class.

AUDIENCE
Grades four through six.

TIME TO COMPLETE
Seven days at the start of the school year.

MATERIALS AND OUTSIDE RESOURCES

1. Large chart tablet (16" X 24").
2. Butcher paper (approximately five feet long).
3. Three sheets of manila paper (12" X 18").
4. Writing paper (for students' law booklet).
5. Included reference sheets (photocopies permitted by The Bill of Rights in Nebraska Project).
6. Newspaper Photographer.
7. Local Attorney.
8. Courtroom Visitation.

PROCEDURE

Day One:
Students brainstorm in small groups what rules are needed for their classroom for the entire year. Include these categories on your group list: rights, respect, property, safety, privacy, higher authority, and voting qualifications. (All are part of the Amendments.) The students should brainstorm for a twenty-minute period.

This will be followed by each group contributing their ideas to a classroom list. The teacher will compile these on a 16" x 24" chart tablet for a rough copy. All of the groups' ideas should be written on the poster list, in their own words.

Days Two and Three:
The students are asked if any changes or additions are needed. (The teacher can encourage any rules which are school rules to be included.) Inevitably, their list will come out surprisingly similar to school rules. These days are for weeding out and voting on changes. Have the students come up with clear, brief, enforceable rules. Let them know what makes a good rule when you rewrite them.

Note: Be patient, here. It may seem like weeding is a waste of school time, but the value of having the rules in the students' own wording and from a consensus pays off during the year. After the final draft, the teacher should post a good copy on the wall for the entire year. (Use five-foot butcher paper.) Have the students sign their new constitution.

RESOURCE PERSON: Have a newspaper photographer come on the signing day. Take pictures for your own class scrapbook, also.

Day Four:
The students will delve into the U.S. Bill of Rights. Let the students know that what they have just completed will protect each of them for the school year. It was the same with our country when we made a Constitution that explained how the country itself would be protected, but there was not a set of rules for the individual citizen. So the Bill of Rights was developed with the individual's rights in mind.

Read the article,, "Needed: A Bill of Rights!" It may be tempting to read the article out loud but it is more internalized when each small group reads it out loud together. Important facts can be stressed by underscoring them. The day's objectives are included in the questions at the end of the article. Why is the Bill of Rights needed?

Day Five:
The students need to understand the differences between rights, privileges, and rules. Discuss the "Rights, Privileges, and Rules" display. The teacher can have enlarged versions of the definitions of rights, privileges, and rules already prepared on large manila paper, 12" x 18". These should be hung in the room on a clothesline or permanent place for the entire year's reference.

It is very beneficial, when a problem arises, to have a student go to these posters and tell if what he or she did was a right, a privilege, or a rule. It is even more encouraging when students take other students to the signs to clarify their actions. This will get the teacher off the hook for being perceived in a negative light.

Use the "Rights, Privileges, and Rules" display on the overhead to get the students to apply each of the areas of rights, privileges, and rules. Conclude with the activity sheet. This is where the students individually describe, in their own words, what a right, a privilege, and a rule is. This paper can be the first of a set for a student law booklet that they develop during their study of law.

Day Six:
The teacher needs to arrange to have an attorney come in and speak to the class about our local, state, and national laws. The students will have many good questions about law-making, as they have just become part of their own governing system in their classroom.

RESOURCE PERSON: Ask the attorney to bring an example of your state law books. Be sure to clue your resource person in on the fact that there is a class constitution to help him or her put much of the discussion at the students' own level.

Day Seven:
The teacher should have the three forms of government posted for class today (see "Government Action" reference sheet). This includes local, state, and federal governments. The lists will have to be adjusted from state to state, but the reference sheet is very easy to enlarge to 11"x 18" size with a copier.

Arrange for a visit to the local courthouse. If possible, ask the attorney who came to visit to give you a tour of the courtroom. When the students return, have them add a page to their law booklets about what they learned about our court system.

REFLECTIONS ON THE LESSON
Good luck and enjoy a year off to a fair and just start! It really pays off for the teacher to use the posters as often as possible when faced with any dilemma during the school year.

Extension activity:
Students can decide on their own list of consequences for breaking rules. This could include major offenses, with a list of major consequences or minor consequences.

Note: Only list consequences. Students can design their own class discipline forms. These forms can be filled out by the offenders, for consistent offenses. List the rule broken. Give consequences resulting. Parents should sign at the bottom.

Have students vote on rules which are being ignored. What should the consequences be for bouncing balls in the hall? Students should give some suggestions and vote on one consequence. This teacher found that the students' rule stuck much better than any other. Example: consequence voted on by students -- NO play at recess on the day the rule was broken.

Give the students additional direction if the punishment they choose does not fit the crime. They tend to be too harsh at times. Remind them that cruel and unusual punishment is not just.

NEEDED: A BILL OF RIGHTS

(From "The Bill of Rights" Law-Related Education Curriculum,
Copyright © 1986, The Bill of Rights in Nebraska Project)

The thirteen original colonies fought and won the Revolutionary War for the purpose of gaining independence from England. In 1781 the leaders of what were now thirteen states set up a new plan of government called the Articles of Confederation. This plan created a national government that would rule all the states.

Many citizens remained fearful that their new government would be too powerful. So the new Articles of Confederation gave little power to the national government. Most of the power stayed with the states. This led to disputes between the states which the national government was too weak to settle. The government was also too weak to solve the country's economic problems.

In Massachusetts, farmers who were unable to pay their bills became so dissatisfied that they took up weapons to fight against the government. Although Shay's Rebellion, as the uprising was known, was put down, many citizens became worried that their newly-won independence might be lost. They feared disorder and knew that fighting among the states could only weaken their defenses against foreign powers.

In 1787 the country's leaders decided that a meeting had to be held to discuss the problem. This meeting was called the Constitutional Convention and its purpose was to create a new government. Each of the states chose a few people called delegates to represent them at the Convention. These delegates are known as the Founding Fathers. The Founding Fathers decided that the Articles of Confederation should be replaced with a new Constitution.

The Constitution they wrote is almost the same today as it was then. The Constitution is the supreme law of the land and establishes the three branches of government. They are (1) Congress (the legislative branch), which is responsible for making laws; (2) the President and his cabinet officers (the executive branch), who enforce the laws Congress makes; (3) Courts and judges (the

judicial branch), which decide what the laws mean and how to apply them. This new government would be strong enough to be able to settle disputes among the states. And because each of the three branches keeps a check on the power of the others, no one branch could become too strong.

Before the Constitution could become the law, it had to be ratified (voted by at least nine of the thirteen states. However, many people said the Constitution lacked one very important thing: a statement about people's rights -- a list of rights each individual should be guaranteed. The people were still fearful of a powerful national (federal) government and felt that the rights of individuals needed to be protected.

It is not surprising that they felt that way. Many of the original colonists had come to America because they were not allowed to practice religions which were different from the official state religion. In the years leading up the Revolutionary War, many colonists believed that the English government had tried to stop them from voicing their complaints against the government, had searched citizens' private papers and homes, had forced colonists accused of crimes to be tried far from their homes without juries, had chosen judges who wanted to please the King, had forced colonists to have soldiers live in their homes, and had held phony trials in which soldiers who were accused of killing citizens were found innocent.

After much discussion it was agreed that if the states would ratify the Constitution, a bill of rights would be added. In 1791 it was. The first ten amendments to the Constitution state the rights that each individual is guaranteed. They are known as the Bill of Rights. The 200th birthday of these important rights is in 1991.

Questions

1. Who had most of the power under the Articles of Confederation?

2. Why did the Articles of Confederation give little power to the national government?

3. What was the primary reason for calling a constitutional convention?

4. Why was the Bill of Rights added to the Constitution?

RIGHTS, PRIVILEGES, AND RULES

What are the differences between rights, privileges, and rules? Look at the following definitions and examples.

Important things which people should be able to do to live free and dignified lives.

Examples: Right to life; right to worship as one pleases.

Special favors given to people; often they have earned, but they do not have to be; they can be taken away fairly easily.

Examples: Being allowed to chew gum in class, having a driver's license at age 16, staying up late at night.

Principles which tell us what we can and cannot do; a law is a kind of rule.

Examples: No running in the halls; only cross the street when the walk light is on.

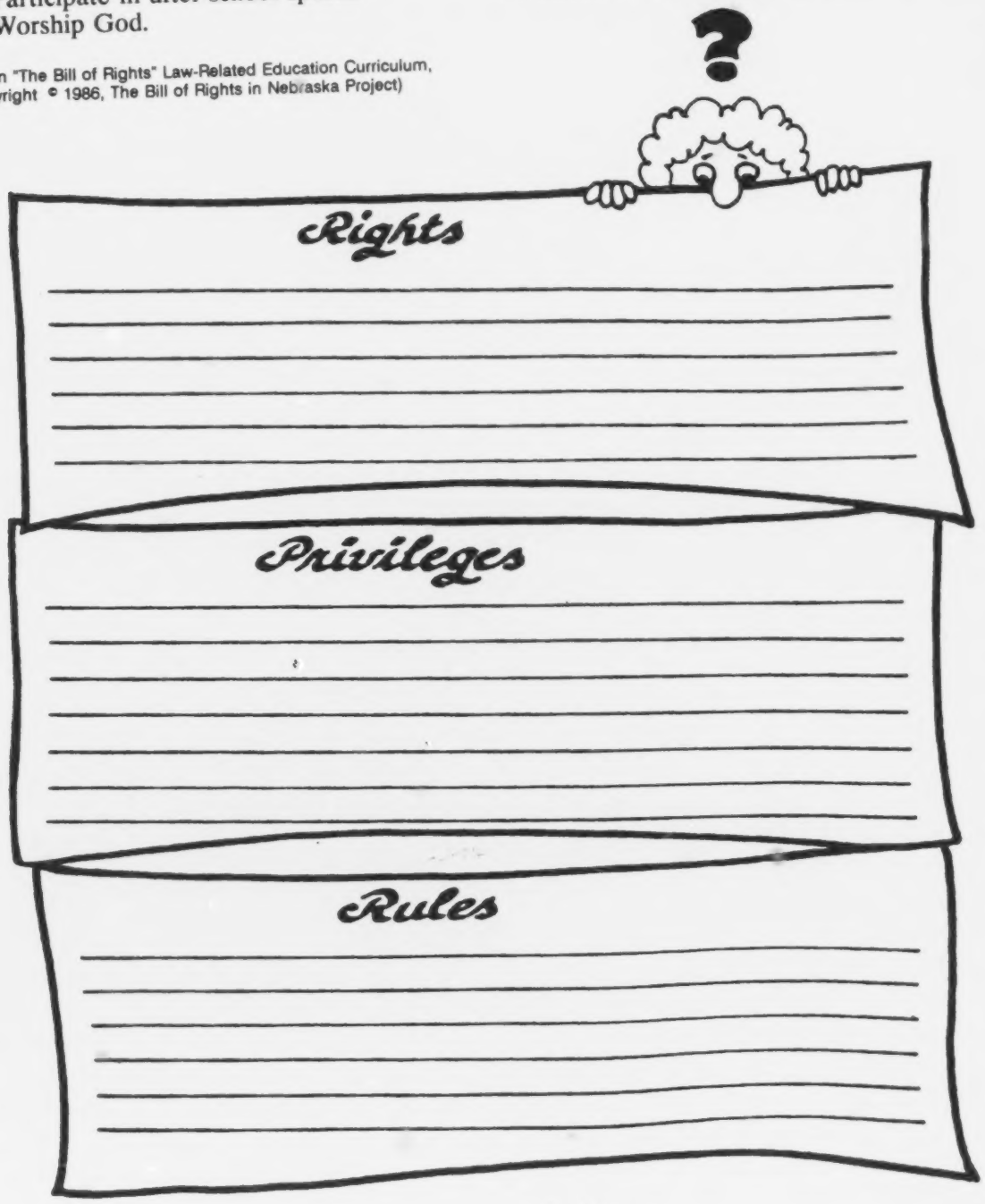
(From "The Bill of Rights" Law-Related Education Curriculum, Copyright © 1986, The Bill of Rights in Nebraska Project)

RIGHTS, PRIVILEGES, AND RULES ACTIVITY

Categorize the following items as either a right, a privilege, or a rule.
Be prepared to explain your responses.

1. Drive a car.
2. No hard sole shoes on the gym floor.
3. Talk about our ideas freely and openly.
4. Attend public school.
5. Participate in after-school sports.
6. Worship God.
7. No fishing.
8. No talking without raising hands.
9. Peacefully meet with friends.
10. Be home from a date by midnight.
11. Receive equal treatment under the law.

(From "The Bill of Rights" Law-Related Education Curriculum, Copyright © 1986, The Bill of Rights in Nebraska Project)



GOVERNMENT ACTION REFERENCE SHEET

(From "The Bill of Rights" Law-Related Education Curriculum,
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Government is a group of leaders in a community, state, or country who make laws and make sure laws are obeyed. In this country we have many governments. They are the national or federal government, state governments, and local governments such as cities and counties. The U.S. Constitution gives certain powers to the federal government and leaves others to state governments. The states give some of their powers to local governments. Here is a chart that lists some of the people who work for the government:

Federal:

The United States of America

- President
- Vice-President
- U.S. Senators & Representatives (Congress)
- U.S. judges
- U.S. Army, Navy etc.
- Departments like the Department of Agriculture
- Agencies like the FBI

State:

The State

- Governor
- Lieutenant Governor
- State Senators
- State Representatives
- State judges
- Departments like the Department of Social Services
- State Patrol

Local:

(For example, The City of Los Angeles)

- Mayor
- City Council
- County Commissioners
- Fire department
- Police departments
- Public schools

Symbolic Speech: A New Look

Lee F. Weber
South Sioux City Community High School
South Sioux City, Nebraska

OVERVIEW
This lesson plan is an attempt to make students look at the topic of "symbolic speech" in a new way. The use of symbolic speech by protesting students in the 1969 U.S. Supreme Court case, *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, is the basis for this lesson.

In the course of studying freedom of speech, teachers often introduce students to the *Tinker* case. In many classes, however, the only concept of the case that is emphasized is that of the extent of students' rights within the school setting. There is, of course, another critical concept to be addressed when dealing with the *Tinker* case, namely that of "symbolic speech," and when and how it may be regulated.

In its majority opinion, the U.S. Supreme Court cited two issues which must be resolved whenever symbolic representation is used to express ideas. First, it must be determined if the symbol itself is protected speech, and secondly, it must be determined if the message is protected speech. In the *Tinker* case, both issues were, of course, decided on behalf of the protesting students, whose black armband protest was held to be constitutionally protected.

But what if something else had occurred? This lesson is designed to give students quite a different view of symbolic speech.

GOALS
At the conclusion of this lesson, students will have a deeper appreciation of the concept of "symbolic speech," as applied in the U.S. Supreme Court case of *Tinker v. Des Moines*.

AUDIENCE
11th and 12th grade students.

TIME TO COMPLETE
One class session.

MATERIALS AND OUTSIDE RESOURCES
For best results, an instructor should have access to a machine which will make overhead transparencies from the enclosed illustrations in the lesson plan.

PROCEDURE
After discussing the *Tinker* case and identifying the two issues of symbolic speech cited above, the teacher should start a new discussion by asking, "What if John and Mary Beth Tinker had chosen another type of protest? What if they had T-shirts screen printed with a message in opposition to the war? Would that have been protected speech?"

Students will probably answer in the affirmative. The teacher should then place a transparency (made from illustration #1) on the overhead projector. The student reaction is likely to be a subdued, i.e., "So what?"

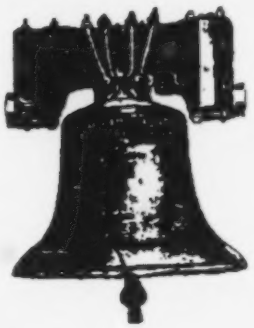
The teacher then goes on, "But what if the Tinkers had T-shirts which looked like this?" The instructor now puts illustration #2 on the overhead. Student reaction will be a mixture of laughter, giggles, and whispered comments. Frequently a teacher will hear, "You can't do that!" The reaction will be very different from the reaction to the first overhead.

The teacher can then go on and ask, "What's the matter.... the message is 'Finish the War.' What could be wrong with that?" Some students will find all this rather amusing, and you will likely get more classroom chatter. Sooner or later, the teacher must get everybody's attention again and deliver the bottom line message... No, the message is NOT finish the war; the message is a profane obscenity, and it is *not* protected speech.

Some students will protest that the message could be a lot of different things. The teacher can dismiss this argument quickly, pointing to the earlier student reaction. The teacher can state affirmatively that not one single student *originally* read the message as "Finish the War." The *intended* message rang through loud and clear. It is this point that the court spelled out in *Tinker*. Whatever the symbolic presentation, if the message is not protected, or if the symbol itself is not protected, it cannot be supported as constitutionally protected "speech."

TIPS FOR THE TEACHER
This lesson often leads to invigorating discussions of many related topics beyond free speech, such as clothing, jewelry, hairstyles, etc.

Tinker v. Des Moines Independent Community School District
393 U.S. 503 (1969)



FACTS

In December of 1965, some adults and students decided to demonstrate their opposition to U.S. involvement in the Vietnam conflict by wearing black armbands during the holiday season and by fasting on December 16 and on New Year's Eve.

The principals of schools in Des Moines, Iowa heard of the plan and adopted a policy forbidding the wearing of armbands to school. Students who refused to remove such armbands would be suspended from school until they complied with the rule. Sixteen-year-old John and thirteen-year-old Mary Beth Tinker, along with another student, wore the armbands to school with full knowledge of the regulation. They were suspended and did not return to school until after New Year's Day, the end of the planned period for wearing the armbands.

ISSUES

Is the wearing of a black armband as a political protest a form of speech protected by the First Amendment, and do school authorities violate students' constitutional rights by prohibiting such speech?

DECISION

Yes; a regulation prohibiting the wearing of armbands to school upon penalty of suspension is an unconstitutional denial of students' rights to free speech. Wearing an armband as a political protest is a symbolic act and therefore a form of "pure speech." The speech or expression is "pure" because it is not accompanied by disruptive conduct. This was a "silent, passive expression of opinion, unaccompanied by any disorder or disturbance on the part of petitioners."

The regulation amounted to prohibiting a discussion of the Vietnam conflict in the hallway. Even though a few students made hostile remarks outside of class to the students wearing armbands, there were no threats or acts of violence on school premises. Without evidence that a prohibition of expression is necessary to avoid "material and substantial interference with school work or discipline," it is not constitutionally permissible. Two dissenting justices would have upheld the school regulation in support of the need to maintain discipline and good order in the schools.

(Source: J. Hardin, *Bill of Rights in Tennessee Schools*, Newspapers In Education Project, 1987; Reprinted by permission.)

ILLUSTRATION #1

ILLUSTRATION #2

States' Rights Versus the Federal Government: Worcester v. Georgia (1832)

Mary Oppegard
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OVERVIEW

This lesson uses the Supreme Court case, *Worcester v. Georgia*, 6 Pet. 515 (1832), as a basis for the discussion of the issue of states' rights versus the federal government as played out in the administration of President Andrew Jackson and its battle with the Supreme Court.

In addition to the constitutional issues involved, the momentum of the westward movement and popular support for Indian resettlement pitted white man against Indian.

All of these factors came together in the Worcester case, which alarmed the sovereignty of the Cherokee Nation, but which was not enforced. This lesson examines the legal issues and tragic consequences of Indian resettlement. It can be used in an American History or American Government class.

GOALS

As a result of this lesson students will:

- Examine the legal, political, and cultural issues involved in Indian resettlement in the 1800s.
- Develop an awareness of the status of Indian tribes in relation to federal and state government.
- Practice critical thinking skills.

AUDIENCE

High school (adaptable to Junior High).

TIME TO COMPLETE

One class period.

MATERIALS

1. Indian Resettlement Handout.
2. Arguments in *Worcester v. Georgia* Handout.
3. Decision in *Worcester v. Georgia* Handout.

PROCEDURE

1. Ask students to make a list of reasons why Indians might want to stay on their lands, and another list of reasons why white settlers might want the Indians removed.
2. Distribute Handout #1. Have students read and discuss the material. Compare the reasons for and against resettlement in the materials with the lists the students made.
3. Distribute Handout #2. Read and discuss the case with the students, making certain that students understand the reasoning of Worcester's argument.
4. Ask students to vote on how they think the Supreme Court decided the case.
5. Distribute Handout #3. Read and discuss.

HANDOUT #1: INDIAN RESETTLEMENT

As the frontier moved west, white settlers wanted to expand into territory which was the ancestral land of many Indian tribes.

Although this had been going on since the administration of George Washington, during the administration of Andrew Jackson, the government supported the policy of resettlement, and persuaded many tribes to give up their claim to their land and move into areas set aside by Congress as Indian territory.

In 1830, Congress passed the Indian Resettlement Act, which provided for the removal of Indians to territory west of the Mississippi River. While Jackson was President, the government negotiated 94 treaties to end Indian titles to land in the existing states.

Many tribes resisted this policy. Wars were fought as a result. The Sac and Fox Indians in Wisconsin and Illinois reoccupied their lands after having been forced to move west of the Mississippi. They were defeated. The Seminole Indians refused to sign a treaty to give up their lands. They, too, fought and lost a bitter war to remain on their land.

The Cherokees of Georgia were another tribe that resisted. They did not want to give up their way of life. The Cherokee governed themselves under a written constitution. They were prosperous farmers. They developed a written language and published a widely read newspaper, *The Phoenix*, in Cherokee. They had their own schools. They did want to sign the resettlement treaty.

Cherokee leaders explained their point of view in the following statement which appeared on August 21, 1830 in the *Riles Weekly Register*:

"We wish to remain on the land of our fathers. We have a perfect and original right to remain without interruption...If we are compelled to leave our country we see nothing but ruin before us. The country west of the Arkansas territory is unknown to us.

"From what we can learn... the inviting parts of it... are preoccupied by various Indian nations, to which it has been assigned. They would regard us

as intruders, and look upon us with an evil eye. The far greater part of that region is... badly supplied with wood and water; and no Indian tribe can live as agriculturists without these articles. All our neighbors, in case of our removal, though crowded into our near vicinity, would speak a language totally different from ours, and practice different customs.

"The original possessors of that region are now wandering savages lurking for prey in the neighborhood. They have always been at war, and would be easily tempted to turn their arms against peaceful emigrants. Were the country to which we are urged much better than it is represented to be, and were it free from the objections we have made to it, still it is not the land of our birth, nor of our affections. It contains neither the scenes of our childhood, nor the graves of our fathers."

QUESTIONS FOR DISCUSSION

1. What arguments did the Cherokee leaders give against resettlement? What do you think of these arguments?

2. Jackson and others who supported resettlement justified their point of view with the argument that Indians would be better off in territory far away from the white man because they could have the choice to keep their own way of life or adapt to the ways of the white man. Do you think this was a convincing argument in the case of the Cherokees? Why or why not?

3. Do you think the resettlement policy was justified for tribes that had not adapted to the white man's culture or that were warring against the white man?

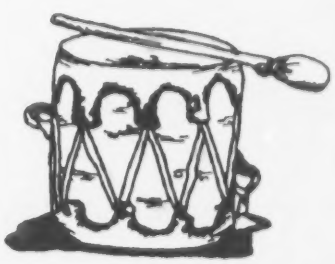
4. Gold had been discovered in Georgia. How might this have affected the white settlers' attitudes toward resettlement?

HANDOUT #2: ARGUMENTS IN WORCESTER V. GEORGIA (1832)

During this period of Indian resettlement, the question of whether Indians had a right to their land came to a head in the case of *Worcester v. Georgia* (1832). The federal government had signed treaties with many Indian tribes including the Cherokees of Georgia, which recognized tribes as sovereign nations and granted them the right to keep their ancestral lands. However, states like Georgia moved to control Indian lands and supported Indian resettlement. In 1831 Samuel Worcester, a Presbyterian minister from Vermont, went to Cherokee territory in Georgia to preach and to translate the Bible into the Cherokee language.

The Georgia legislature had passed a state law that required any white person going onto Indian lands to get a license. Georgia lawmakers wanted to keep out people who might stir up the Cherokees against the state.

Georgia officials arrested Worcester, saying he had broken state law. Worcester was brought to trial in the Georgia court, found guilty and sentenced to four years in prison. Worcester thought the Georgia court was wrong and appealed his case to the United States Supreme Court.



Worcester argued that the state of Georgia did not have the power to make laws concerning the Cherokee tribe. He said that his visit to Cherokee land had been allowed under federal law because the United States had made treaties with the Cherokees which recognized them as an Independent nation. The treaties were federal law, and they were higher than state law.

The Supreme Court had to decide whether the state law went against the provisions of the Constitution. Article VI says:

"...this Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land, and the judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary not withstanding...."

QUESTIONS FOR DISCUSSION

1. According to Article VI, which law is higher, state or federal law? Are treaties considered federal law?

2. Restate the reasoning in Worcester's argument. Is it convincing?

3. How would you decide the case - in favor of Georgia and the state law requiring a license, or in favor of Worcester and the federal treaty which is above the state law?

HANDOUT #3: WORCESTER V. GEORGIA DECISION

The Supreme Court decided in favor of Worcester. Chief Justice John Marshall wrote the opinion of the Court. It said that the Cherokee nation was an independent community, established by federal treaty. Only the federal government could deal with the Cherokee nation. The state of Georgia could not pass laws affecting the Cherokees.

AFTERMATH:
The Supreme Court had made an important decision on the legal status of Indian tribes. The Supreme Court's interpretation of the law SHOULD be the law of the land; but the Court has no power to enforce the law. It is up to the President to do that. However, President Jackson did not agree with the Court's decision. He is reported to have said, "John Marshall has made his decision; now let him enforce it."

The state of Georgia wanted the Cherokees out, and sent in the state militia to force them out of their homes. Jackson did nothing to stop it. The Cherokees were marched into Indian territory in what is now the state of Oklahoma. Many thousands suffered and died on this march, which became known as the "Trail of Tears."

In his farewell address to Congress in 1837, Jackson said:

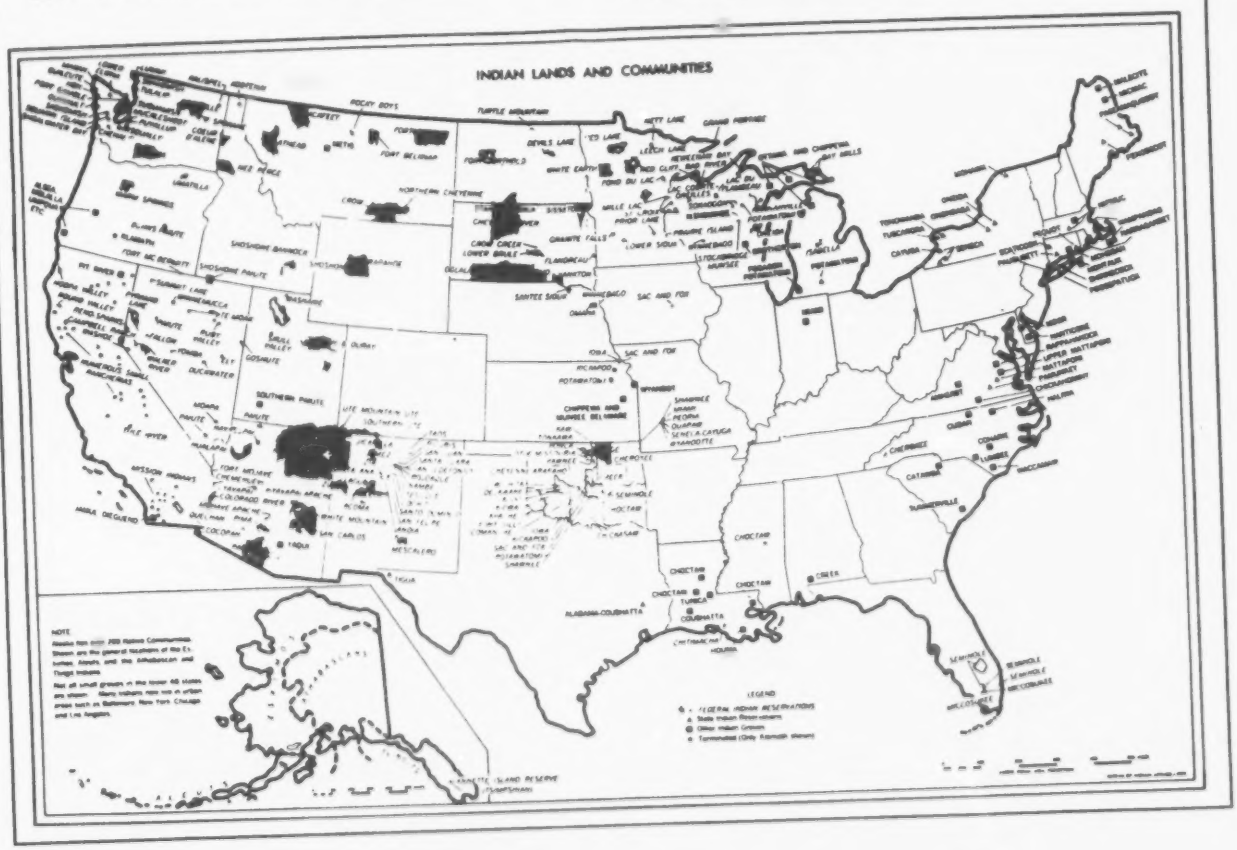
"The States which had so long been retarded in their improvement by the Indian tribes residing in the midst of them are... relieved of the evil; and this unhappy race -- the original dwellers in our land are now placed in a situation where we may well hope that they will share in the blessings of civilization and be saved from that degradation and destruction to which they were rapidly hastening while they remained in the State."

QUESTIONS FOR DISCUSSION

1. What are the political and legal consequences of an executive branch's refusal to carry out a ruling of the judiciary? In present day Oklahoma some Indian tribes have issued their own automobile license plates. No economic activity on Indian land is taxed by the state. How are these activities supported by the Constitution?

2. What would the Cherokees have objected to most in Jackson's farewell address?

Source of 1991 map below: U.S. Department of the Interior, Bureau of Indian Affairs.



Students, Report for Random Drug Tests! Search Under the Constitution

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OVERVIEW

This lesson plan teaches students to look at the concept of privacy as well as the conflict between rights and the war on drugs. It looks at the issue of drug testing in the workplace as well as in a school environment. It probes issues such as what is a search, and do governmental or safety issues override an employee's privacy interests? Is it reasonable to search without any suspicion that a crime has been or is being committed? Is it appropriate to spot search students using blood or urine tests as a way of keeping drugs out of schools?

This lesson looks at search and seizure cases that pertain to drug testing and looks closely at the Fourth, Fifth, Ninth, and Fourteenth Amendments. Numerous methods are suggested that appeal to many learning styles, including small group work, large group and class discussion.

GOALS

As a result of this lesson, students will:

- Gain substantive knowledge of the concepts of search and privacy as it pertains to constitutional guarantees.
- Look at drug testing in light of constitutional issues of search and privacy.
- Learn how they, in loco parentis, are treated differently than adults.
- Understand how they would feel and react if placed in the circumstances of random drug testing.

AUDIENCE

Middle school, high school, and university level. Because of the evaluative nature of the lesson and group techniques, it is also recommended for special learning environments such as a learning disabilities class.

TIME TO COMPLETE

This can be done in one class period, but if lengthy discussion is allowed, it can be expanded to two.

MATERIALS

1. Blackboard (or overhead projector, flip chart, etc.)
2. Handout #1: Arguments For and Against Drug Testing
3. Handout #2: Cases Dealing With Illegal Searches

PROCEDURE

I. There are two possible ways to approach the first procedure. Utilize the one which best fits the population of the class and the philosophy of the school.

A. Have styrofoam cups on five student desks and when students arrive, tell them not to touch them and that you will explain their purpose in a few minutes. This will produce an anticipatory set for the class and much conversation will take place.

During this time, stay extremely serious. When class begins, ask students how many of them heard about the emergency school board meeting held the week before. (Usually a few students will raise their hands). Tell them that you (as the teacher) have already written a letter to the board explaining your position, but nevertheless as an employee of the board you have to carry out board mandates, and if students have a problem with what you are going to say, they should explain it to the principal at an appropriate time.

(By this time, students will be really intent on knowing what you are going to say).

Now tell them that the board passed a regulation requiring random drug tests, and the students that have styrofoam cups on their desks must now leave with the cups to be given urine tests to determine the use of drugs. At this time you will probably have an outcry and much disbelief. However, stick with what you said and stay serious.

1. You should have another teacher, aide, administrator, or other person available to take the students away. If there is any problem with students, tell them that they can give any complaints to the office and in fact, of course could refuse the test. But, explain that you do not know what the consequences of this action would be and it might perhaps be suspension. An ideal situation is for the other person to take these students into a room separate from anyone else and leave them there for about ten to fifteen minutes in which they will discuss the situation.

At the end of that time, have the other person explain that this was only a lesson plan designed to let them understand the feelings involved in a drug testing situation. Then ask the students to go back into the classroom as if they had followed through on however they believed they would have handled the situation. Some may feel that they would have refused the test. Have them say that they refused the test and the administration is calling their parents. Others may say that they did not like this but they did it because they felt forced to do so. Still others may say that they did not mind at all for one reason or another.

2. Meanwhile, while the other students are outside the classroom, students will be discussing this issue. Tell them that it looks like you will not be able to continue the lesson plan that you had planned for today and explain to them that you do not mind discussing this but it will be done in an orderly fashion. Ask students why they are so upset about this.

If discussion is too one-sided, take the other side for purposes of pointing out opposite views. Sooner or later, someone will say that it is unconstitutional for them to do this. Tell them to show you in the Constitution where it says this. Make sure the Fourth, Ninth, and Fourteenth Amendments are covered.

3. When the five students return have them tell "what happened" and, more importantly, how they felt. They probably can do a good job of this since although they did not actually participate in a drug test, they experienced the emotions as if they had. Continue with class discussion now involving the other five and draw on their "experiences." Finally, tell students that this was only a simulation, albeit a simulation that many people across the country are demanding. Already, many athletes and those involved in extra-curricular activities are being tested.

B. The second approach would be the same as "A," except that you would pick five students ahead of time and explain the lesson to them. Then ask them to "play" along.

II. Put Handout #1 on the overhead (or make copies and pass out to all), and tell the students to complete it. Tell them to place "F" next to statements that support (are For) drug testing in the school or workplace, and place "A" next to statements that oppose (are Against) drug testing in the school or workplace. This is a good way for students to be aware of arguments for and against drug testing.

III. Discuss each case in "Handout #2: Cases Dealing With Illegal Searches." Ask students how these cases would affect them. When finished, ask them if they believe that random drug testing would/should be legal for the military, defense agency, weapons research, city workers, private businesses, or schools. Ask students if they see a trend developing based on Supreme Court decisions as they relate to the "drug war."

IV. Now have class vote on one of three positions:

(1) whether they support "random" drug testing in the workplace,

(2) whether they oppose "random" drug testing in the workplace, or

(3) whether they are undecided.

Then have all students break into three groups, those who support the issue go on one side of the room, those opposed go to the other side, and those undecided stay in the middle. Give each group a few minutes to formulate group responses based on their position and then debate the issue.

Those in the middle should discuss why they are undecided and upon what issues would they be inclined to change their minds. During the debate, do not let one or two students dominate the discussion. Allow students to switch sides at any time they change their position. When debate seems to die down, have students in the middle group (undecided) act as jury and vote as to which side gave the best arguments.

EVALUATION

There are a number of ways to evaluate this lesson. You may write up a short quiz over the concepts of privacy and search. You may wish to give this orally or in written form. You may want to grade participation in the discussions. Finally, you could have students write an essay detailing their position on the subject of random drug testing in the workplace or school.

DEBRIEFING

Ask the following questions:

(1) Can government agents search anyplace they want, anytime they want? (no)

(2) What amendment covers search and seizure? (4th)

(3) What amendment deals with rights not specifically listed in the Constitution? (9th)

(4) What amendments deal with due process? (5th & 14th)

(5) What is the "exclusionary rule?" (evidence illegally seized cannot be used at trial)

(5) What important case made the "exclusionary rule" binding on the states? (*Mapp v. Ohio*)

(6) Do school officials have to have "probable" cause or "reasonable" cause to search students? (reasonable)

(7) Do police have to have "probable" cause or "reasonable" cause to search a suspected law breaker? (probable)

(8) If a police officer asks you to open your car trunk (with no duress or coercion) and you willingly give consent for your trunk to be searched, would it be considered a legal search? (yes)

(9) According to recent Supreme Court rulings, can the government require railway workers involved in a major accident to submit to a drug test, even if the government has no reason to suspect them of drug usage? (yes)

(10) Can the government require customs agents to submit to warrantless drug tests if they want to be transferred or promoted? (yes)

TIPS FOR THE TEACHER

This lesson plan could be extended to a number of days. Most students will have no problem with doing the drug test simulation in the classroom, however if you feel that this could be traumatic for some of your students, use the approach described in I-B. Be judicious in who you choose to "take" the drug tests. I would not pick anyone who you think might be using drugs or that you know is using drugs. However, approach "A" is one that students will remember for years. It is extremely effective. It involves all of the senses and thus is retained more easily. Each teacher best knows her/his class and should make adjustments accordingly.

Emphasize that students must stay in control when they discuss this issue. This can be adapted for lower grades, however you might not want to use the styrofoam cup techniques.

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Handout #1

ARGUMENTS FOR AND AGAINST DRUG TESTING

Place "F" next to statements that support (are FOR) drug testing,
and place an "A" next to statements that oppose (are AGAINST) drug testing
in the school or workplace.

____ 1. Drug testing is a search of the person, and according to the Fourth Amendment, it is illegal to search a person unless you have probable suspicion that he committed a crime.

____ 2. People on drugs are a danger to me as well as to society, and all precautions should be taken to protect members of society.

____ 3. Stigmas are attached to those on drugs, and if a false positive is registered, then a person's reputation has been tarnished.

____ 4. If people are not using drugs, then they need not worry.

____ 5. Drug tests can reveal other facts about people that they might not want revealed (ie. pregnancy, diabetes, AIDS, other use of certain legal drugs, etc.).

____ 6. Random drug tests deter the use of drugs and there is nothing wrong with using searches to "deter" crime as well as "discover" crime.

____ 7. We are in the midst of a "Drug War" and in a war, extraordinary measures must be taken to insure victory.

____ 8. If we allow government to take away our Constitutional rights concerning search, what rights will they next take?

____ 9. Random drug testing invades a person's privacy and human dignity *without reasonable cause* and should be prohibited under the Ninth and Fourteenth Amendments.

____ 10. It is appropriate to conduct searches of all people to find one who is guilty.

____ 11. Drug use costs industry millions of dollars in lost worker efficiency each year; they should have a right to protect their investment.

____ 12. It is un-American to randomly test for drugs; one reason the colonies revolted from England was because King George's soldiers searched everyone indiscriminately in order to discover those committing crimes against the Crown.

____ 13. Urinalysis provides no evidence of actual impairment nor does it show exactly when a drug was used; it only detects "metabolites," or left-over elements of a previously ingested substance.

____ 14. Most employers cannot afford the more accurate, but more expensive tests and therefore use the less expensive of the common urine screens which give false positives from 10% to 30% of the time.

Handout #2

CASES DEALING WITH ILLEGAL SEARCHES

Weeks v. United States, 232 U.S. 383 (1914)
This case established the "exclusionary rule." This rule states that evidence illegally seized cannot be used at the trial to convict the accused. The Supreme Court ruled that, in federal cases only, federal officers illegally obtaining evidence cannot use it in criminal trial proceedings against the defendant.

Mapp v. Ohio, 367 U.S. 643 (1961)
This case made the exclusionary rule binding on the states. Police invaded Ms. Mapp's house, where they suspected a gambling ring was operating and also where they believed a bombing suspect was hiding. They said they had a search warrant, although they did not let Ms. Mapp read it and did not produce it at trial. Searching the house they did not find any gambling nor the bombing suspect. They did find a trunk containing obscene books and pictures and arrested Ms. Mapp for possession of obscene materials. She was convicted. The Supreme Court overturned the conviction on the grounds of illegal search and seizure and ruled that the "due process clause" of the Fourteenth Amendment made the exclusionary rule subject to the states. This is extremely controversial, since sometimes an obviously "guilty" person is set free because there is no evidence to produce against him/her.

Wong Sun v. United States, 371 U.S. 471 (1963)
The Supreme Court ruled that evidence of some illegal searches can be used in court when the relationship between it and illegally seized evidence is "dissipated of the taint" of illegality. An example of this is when police arrest a suspect and illegally search his car, but lawfully search him and find on him evidence.

Katz v. United States, 389 U.S. 347 (1967)
This case deals with privacy and noted that a search was an intrusion in an area "wherein privacy normally would be expected" by someone. The Court noted that the "Fourth Amendment protects people not places...", however, what a person "seeks to preserve as private, even in an area accessible to the public, may be constitutionally protected."

New Jersey v. T.L.O., 469 U.S 325 (1985)
The T.L.O. decision determined whether student searches must follow the same guidelines as law enforcement searches and further how does the Fourth Amendment apply to schools. A fourteen-year-old girl was caught smoking and after denying she had been smoking, the assistant principal searched her purse. He found cigarettes and then noticed rolling paper. Thinking that this was indicative of illegal drug use, he then searched more thoroughly and found some marijuana, a smoking pipe, a large quantity of money, plastic bags, an index card showing that a number of students owed her money, and two letters that indicated that she was selling drugs to other students. New Jersey brought delinquency charges against the girl and she was found guilty.

The Supreme Court ruled that school officials were not parental surrogates, but were representatives of the state, and therefore are not exempt from the constraints of the Fourth Amendment. However, the Court went further and said that school officials do not need "probable cause," but rather a less strict "reasonable cause" to search students. It therefore ruled in favor of New Jersey and said it was "reasonable" to search her purse for cigarettes after she was caught smoking, then it was "reasonable" to search further after finding rolling papers since this was an indication of marijuana use, and continuing, it was "reasonable" to search further after finding a small bag of marijuana since it led one to think she might be selling drugs. In sum, although this search would not hold up under the "probable cause" requirement in the Constitution for criminal search, this "reasonable" interpretation allows school officials to search students and their belongings. This decision further strengthened the idea that students have little guarantee of privacy in their school-assigned lockers.

Terry v. Ohio, 392 U.S. 1 (1968);
Adams v. Williams, 407 U.S. 143 (1972)
Disposition of these two cases permitted the "stop and frisk" concept where police officers are allowed, **without a search warrant**, to stop and

Terry v. Ohio, Adams v. Williams (continued)
conduct a "pat-down" search of a suspect's outer clothing if officers have a reasonable belief that "criminal activity may be afoot." The latter case allowed **warrantless** "stop and frisk" on reliable information from an informant.

Chimel v. California, 395 U.S. 752 (1969);
United States v. Robinson, 414 U.S. 218 (1973)
In the first case, the Supreme Court held that law enforcement officials may conduct a **warrantless** search incident to a lawful arrest if limited to the person or the area within the person's immediate control (area in which he could destroy evidence or obtain a weapon). In the latter case, the Court ruled that a full body search after arrest was permissible (in this case a person was searched after being arrested for driving without a license; officers found cocaine on him).

Schneckloth v. Bustamonte, 412 U.S. 218 (1973);
United States v. Matlock, 415 U.S. 164 (1974)
These cases made it clear that if a party consents to a **warrantless** search it is valid as long as there was no duress or coercion. Also consent can be given by a third party if they have joint authority to the premises or property. In *Matlock*, a woman living with the suspect gave consent to search the bedroom.

Carroll v. United States, 267 U.S. 132 (1925);
Coolidge v. New Hampshire, 403 U.S. 443 (1971);
United States v. Ross, 456 U.S. 798 (1982)
In these cases, the Court accepted **warrantless** searches of automobiles, (moving and stopped, or parked) if probable cause exists to make police suspect it contains criminal evidence.

California v. Acevedo, 111 U.S. 1982 (1991)
Police searched a brown paper bag in the trunk of an automobile after observing the driver leave an apartment (where police knew there was marijuana) and place the bag in the trunk. The Supreme Court upheld the constitutionality of a **warrantless** search of a container in an automobile where police have probable cause to believe the container holds contraband or evidence.

Skinner v. Railroad Labor Executives Ass'n, 489 U.S. 602 (1989)
The Supreme Court upheld **warrantless** drug testing of railway workers involved in a major accident even though the government had no reason to suspect any particular worker of drug use. It agreed that this was a search under the Fourth Amendment. The Court based this decision in part on the government's "surpassing safety interests," which outweighed employees' privacy concerns.

National Treasury Employees Union v. Von Raab, 489 U.S. 656 (1989)
In this 5-4 decision, the Supreme Court upheld the testing of customs agents who wanted to be promoted or transferred to positions involving the interdiction of illegal drugs or the carrying of firearms, even though there was no suspicion of drug use. It held that since customs agents were the "nation's first line of defense against one of the greatest problems affecting the health and welfare of our population," drug testing of them without a warrant was justified even though it was a **warrantless** search under the Fourth Amendment. Further it noted that it did not matter that testing showed so far that out of only 3600 tests, five showed positive drug use. However, the Court questioned the appropriateness of such tests for employees who merely handled classified documents, remanding the case for reconsideration of that issue in the lower court.

Your Freedom of Expression Through Poetry

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OVERVIEW
This lesson serves as an alternative to an opinion essay. Students develop a position on a specific issue. They examine possible alternatives and solutions and are then given an opportunity to express their views through the writing of poetry.

GOALS
At the completion of this lesson, students will be able to do the following:

- To examine a contemporary legal issue and to express an opinion on it.
- To use poetry as the vehicle by which students express their opinions.

AUDIENCE
Middle and high school.

TIME TO COMPLETE
One to two class sessions.

MATERIALS AND OUTSIDE RESOURCES

- Copy of the lyrics for "Simple Man" by Charlie Daniels.
- Worksheets on writing poetry.
- Ruled paper for writing.

PROCEDURE

A. Ask the students to list on a piece of paper a number of different ways that people express themselves. Place these on the chalkboard and have the students add to their own list. Examples should include but not be limited to dress, music, books, editorials, armbands, buttons, and bumper stickers.

B. Focus on music by sharing a copy of the lyrics for Charlie Daniels' song "Simple Man," with the students. If possible, play the song for them to hear. After the students have had an opportunity to read the lyrics and listen to the song, lead them in a discussion of his purpose in writing this song. Ask the following questions:

1. What message are the authors trying to get across to the listener?
2. What are the authors' feelings about criminals, justice, judges, and the criminal justice system in the United States? Do you share their frustration?
3. Do you agree or disagree with their approach to solving the crime problem? Is this an emotional reaction or an intellectual one? Were the authors seriously suggesting that "hanging," "shooting," and letting "the alligators do the rest" will solve our crime problem?
4. Does the song address the problem of determining who is guilty of these crimes?
5. Is it helpful to allow people to express their feelings in this way, regardless of the "reasonableness" of what they are saying?

Explain to the students that they are going to be required to write their opinion on this topic. Tell them that they will be writing a variety of poems in class today on the topic of CRIME.

C. Explain to the students how to write an acrostic poem. See the example below. Notice that it is a continuous thought or sentence.

Criminals'
Rights
In the U.S. justice system
Must be upheld
Everyday

Now have the students write their own acrostic poem. Circulate around the classroom in order to provide help for those students who may need it.

D. Explain to the students how to write a haiku poem. See the example below. The first line of the poem contains five syllables. The second line contains seven syllables. The third line contains five syllables.

Larceny, murder,
Arson, robbery, mayhem
Crime is everywhere

Now have the students write their own haiku poem. Circulate around the classroom in order to provide help for those students who may need it.

E. Explain to the students how to write a cinquain poem. This is a poem which has five lines and follows the format below.

The first line contains the WORD which is an abstract idea.

The second line contains two words which DEFINE it. (adjectives)

The third line contains three words which act together to express ACTION. ("ing" words)

The fourth line contains four words which express your ATTITUDE or opinion on the topic.

The fifth line either repeats the WORD or its synonym.

Crime
Unexplainable, unexcusable
Killing, raping, dealing
Appalled, frustrated, angry, shocked
Crime

Have the students write their own cinquain poem. Circulate around the classroom in order to provide help for those students who may need it.

F. Distribute the worksheet on writing poetry to the students. Have them write CRIME in the space next to "Concept". Tell them to think about the topic crime and to answer the questions accordingly. On the bottom of the page are some questions and some incomplete statements. Students should be directed to take their answers from the top of the page in order to answer these questions. Once they have completed this, they must recopy the paragraph on a separate piece of paper. The title of this poem is "Crime."

Example:

CRIME

Crime is crimson

It smells like a rotting corpse

For fun it creates suffering and pain

Being stopped makes crime sad

Its smaller than the people, but

Bigger than justice

Righteousness is its worst enemy

Evil is its best friend

Crime keeps violence and hatred in its secret place

Crime makes me sick.

REFLECTIONS ON THE LESSON

Students enjoy this method as an alternative to writing opinion paragraphs. It gives them the opportunity to express their feelings in a unique and very personal way. This method can be used with any course of study and any topic.

Ask students to submit their favorite poem and publish them in a booklet to be distributed to members of the class and other students.

SIMPLE MAN
Charlie Daniels-Jack Gavin-Charlie Hayward-
Taz DiGregorio

I ain't nothing but a simple man
They call me a redneck; I reckon that I am
But there's some things going on
That make me mad to the core

I have to work like a dog to make ends meet
And there's crooked politicians and crime in the street
And I'm madder than hell
And I ain't gonna take it no more

We tell our kids to just say no
Then some panty waist judge lets a drug dealer go
He slaps him on the wrist
And turns him back out on the town

If I had my way with people selling dope
I'd take a big tall tree and a short piece of rope
And I'd hang them up high
And let them swing 'til the sun goes down

You know what's wrong with the world today
People done gone and put their Bibles away
They're living by the law of the jungle
Not the law of the land
The Good Book says it is so I know it's the truth

An eye for an eye and a tooth for a tooth
You'd better watch where you're going
Remember where you've been
That's the way I see it
I'm a simple man

Now I'm the kind of man who wouldn't harm a mouse
But if I catch somebody breaking in my house
I've got a twelve gauge shotgun
Waiting on the other side

So don't go pushing me against my will
I don't want to have to fight you but I durn sure will
So if you don't want trouble
You'd better just pass me on by

As far as I'm concerned there ain't no excuse
For the raping and the killing and the child abuse
And I've got a way to put an end to all that mess
Just take them rascals out in the swamp
Put them on their knees and tie them to a stump
And let the rattlers and the bugs and the alligators
do the rest

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POETRY WRITING

DIRECTIONS: In order to complete this poem, you will need to answer the following questions first. All answers are your opinion.

CONCEPT: _____

1. What is its color?
2. What is it bigger than?
3. What does it smell like?
4. What does it taste like?
5. What makes it happy?
6. What makes it sad?
7. What frightens it?
8. How does it make you feel?
9. Who or what is its best friend?
10. What does it keep in its secret place?
11. Who or what is its worst enemy?
12. What is it smaller than?
13. What does it cost?
14. What is its favorite place?
15. What is its least favorite place?

NOW COMPLETE YOUR POEM BY FILLING IN THE CORRECT RESPONSES BELOW AND THEN RECOPYING YOUR POEM ON RULED PAPER.

Title: (CONCEPT)_____

(Concept)_____ IS _____ (#1)_____

IT (#3 or #4)_____ LIKE (#3 or #4)_____

FOR FUN IT LIKES TO (#5)_____

(#6)_____ MAKES (concept)_____ (emotion)_____

IT IS SMALLER THAN (#12)_____

BUT, BIGGER THAN (#2)_____

(#11)_____ IS ITS WORST ENEMY

(#9)_____ IS ITS BEST FRIEND

(Concept)_____ KEEPS (#10)_____ IN ITS SECRET PLACE

ITS FAVORITE (OR LEAST FAVORITE) PLACE IS (#14 or #15)_____

(Concept)_____ MAKES ME (#8)_____

Catamount Controversy
A Study of An Environmental Issue

P. Kendall Geer
Strawberry Park Elementary
Steamboat Springs, Colorado

OVERVIEW
This is a thematic approach to the study of a local environmental issue. From the Exxon Valdez disaster, deforestation, and the pollution of Boston Harbor, to salmon fishing disputes, daily news reports highlight the need for citizens to make informed decisions. This unit will simulate procedures for evaluating a local issue -- procedures which can be adapted to various communities. Students will gather information through research, including field trips and interviews. They will create graphs, charts, and maps to display their data. Then, through a mock public hearing, they will understand how differing viewpoints go into group decision-making. Reading, writing, math, science, and social skills are integrated in this exploration of an environmental theme. Teachers are guides as they learn along with their students.

GOALS
As a result of this unit, students will:

- observe and record current resources
- evaluate proposed changes and the impacts they may have
- understand how governments reach decisions and recognize that there are often no clear cut choices, but compromises reached through negotiation
- create graphs, maps, and charts
- understand and apply propaganda techniques
- defend opinions in debate and a simulated hearing

AUDIENCE
Developed with a fifth grade class; can be modified for upper elementary through adult. This is also suited to cross-grade teaching since students do research and presentation in pairs and cooperative groups.

TIME TO COMPLETE
One to two hours per day for thirteen days, depending on length of group discussion.

ABOUT THE CATAMOUNT CONTROVERSY
For this thematic study, my class chose to study the Lake Catamount Resort issue. Developers have proposed building a ski area capable of 12,000 skiers per day, along with condominiums, a golf course, and a support village six miles south of Steamboat Springs, Colorado. The developers have applied for a Forest Access permit which is currently pending decision by a forest supervisor. A detailed environmental impact study has been compiled, and several public forums held.

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[The Project Wild Program is an excellent resource for any environmental program. Project Wild may be contacted by phone at (303) 444-2390 or by writing to: Project Wild, Salina Star Route, Boulder, Colorado 80302.]

Note to the teacher: Many spin-offs of this outline on environmental choices are possible. The more involved the kids are in decision-making, the more they learn. Let them help you take it to the limits!

UNIT OUTLINE

Day One
"Who Cares About the Environment Anyway?"
Note: Skills listed as "daily" will not be listed each day.

A. Social Studies
  1. Current events
  2. Cause and effect
B. Math
  1. Graph
  2. Averages
C. Writing
  1. Opinion Logs (daily)
  2. Letters
D. Study skills (daily)
  1. Note-taking
  2. Webbing
  3. Organizing information
E. Social Skills (daily)
  1. Cooperative groups
  2. Collecting information from others
  3. Sharing information
  4. Respecting differences of opinion

Day Two
"We Care!"

A. Social Studies
  1. Maps

Day Three
"What's a Wetland?"

A. Social Studies
  1. Maps
  2. Land Use laws
    a. Section 404 of Clean Water Act
B. Science
  1. Habitat
    a. riparian
    b. montane
    c. meadow
  2. Wetlands
    a. characteristics
    b. function
    c. location

Day Four
"What's There?"

A. Social studies
  1. Maps
  2. Evaluation
B. Science
  1. Observation
  2. Classification
  3. Notation

Day Five
"Who Decides?"

A. Social Studies
  1. Decision-making process
  2. Maps
  3. Cause and effects
B. Math
  1. Scale drawings

Day Six
"We Agree to Disagree"

A. Social Studies
  1. Law
    a. Special interest Groups
    b. Debate
  2. Interviews

Day Seven
"Who Else Cares?"

A. Social Studies
  1. Law
    a. special interest groups
    b. debate
  2. Interviews

Day Eight
"What's My Line?"

A. Social Studies
  1. Point of view
B. Drama
  1. Characterization

Day Nine
"Hearing Procedures"

A. Social Studies
  1. Law
    a. Procedures
      i. need for
      ii. establish

Day Ten
"Propaganda Promotions"

A. Social Studies
  1. Propaganda
    a. types
    b. uses
B. Art
  1. Design of buttons, bumper stickers, posters, etc.
C. Language
  1. Slogans

Day Eleven
"Newspaper Spread Ideas"

A. Social Studies
  1. Current Events
B. Writing
  1. Persuasive Writing
C. Reading
  1. Recognizing point of view
D. Art
  1. Political cartoons

Day Twelve
"We Ask to be Heard"

A. Social Studies
  1. Law
    a. hearing procedures
    b. debate
B. Drama
  1. Characterization

Day Thirteen
"What Happens Now?"

A. Social Studies
  1. Law
    a. summarize decision-making process
    b. await decision (official and simulation)
    c. recognize the need for informed citizens
  2. Cause and Effect
B. Math
  1. Graph
C. Writing
  1. Write a three-paragraph summary
  2. Letters
    a. editor
    b. forest supervisor

BEST COPY AVAILABLE

DAY ONE
"Who Cares About the Environment Anyway?"

This introductory lesson will set the stage for a thematic study of a local environmental issue. It should be lively and stimulate interest in water land use choices.

GOALS
As a result of this lesson, students will:
- become aware of local environmental issues
- write a class letter
- complete a follow-up assignment

MATERIALS
1. Large sheet of butcher paper.
2. Markers.
3. Learning logs (may be a designated section in students' binders, or folders with paper).
4. Daily record sheets (included).
5. Collection of news articles, related books and magazines.

PROCEDURE
Preparation: The teacher should read papers and become aware of what issues are facing the community. They will need this background information to effectively guide student discussions. In Steamboat Springs, Colorado, there has been a concern for more than a decade over developing the Lake Catamount Resort.

1. Teacher plays Devil's Advocate and presents "Who cares about our area anyway?" As students get "warmed up," continue on with questions of, "Why get involved?", and "Well, it looks like I can make money off of these changes, so what?", etc.

2. As a class, discuss current community issues.

3. Record a list of issues on the chalk board.

4. Tell students they will be studying an issue of their choice for the next three weeks. Discuss criteria for their choice: the issue should have various viewpoints and available information, and the issue should have some effect on the environment.

5. The class chooses an issue to investigate.

6. Start a web on butcher paper. Record the issue in a circle in the center of the paper. Class brainstorms the effects the this issue may have on local environment. Don't forget to include the community as part of the environment. Record each related issue in circles connected to the main issue.

7. Discuss each effect, and add to the web any advantages or disadvantages the students may come up with.

8. Model how to make first daily entry in logs on daily record sheet. Show kids how to mark the rating scale. Discuss how to support an option, and discuss possible questions. Since this is the first day, they will not be able to compare opinions from last session.

9. Have students record in their own logs.

10. Reassemble group and give students an opportunity to share their opinions.

11. Add new ideas to class web.

12. Average class opinion numbers from the scale and record on a class line graph. Have opinion numbers 0-10 up side, and dates along bottom.

13. Discuss what more information is needed, and record all questions on a class question list.

14. Discuss how more information could be gathered.

15. Compose a class letter to parents explaining the project and asking for resources (people and printed).

FOLLOW-UP

1. Students share their class letter at home.

2. Students discuss the issue with parents and community members. They are to record notes in their learning logs.

3. Check local papers and news sources for information on the issue.

TIPS FOR THE TEACHER

If possible, allow a few days before the next session to allow time for gathering information, arranging a field trip, and allowing family discussion time. Keep interest high by having students present news information as they find it, and post it on a bulletin board.

DAY TWO
"We Care!"

This lesson will be a continuation of the introductory lesson. Students will share information gathered from family and friends. As many points of view as possible will be considered.

GOALS
As a result of this lesson, students will:
- share information gathered from families, community, and news sources
- recognize differing view points
- understand that gaining more information may affect opinions

MATERIALS
1. Maps of area (collect a variety, if possible; topographic maps, road maps, forestry maps are very useful).
2. Class web
3. List of questions.
4. Learning logs.
5. News sources and information pertaining to issue.

PROCEDURE

1. Ask students, "Who does care if...?" Ask for a show of hands.

2. Review web of related issues.

3. Add new concerns from home research.

4. Brainstorm other concerns and possible effects.

5. Answer any questions on the question list with new information gained so far.

6. Generate new questions.

7. Tell students it is often valuable to look at maps of an area to improve understanding. Discuss how a map could help study the issue.

8. If possible, divide class into small groups and have each group list features on area from that map. Then, rotate maps so students look at a different type of map and add to their list of features.

9. Have each group evaluate issues from the web, using information gained from maps.

10. Have each group present findings to whole class and add information to web as needed.

11. Check questions for any new answers.

12. Have students make second daily entry on log sheet. This time, they will address questions relating to change of opinion. Model for them what things may alter opinions.

13. Gather group to discuss log entries, average opinion scores to record the class line graph. Discuss new questions. As a group, choose three questions to investigate.

14. Students record questions in logs to research for homework.

FOLLOW-UP

Students are to seek further answers to questions. They will note findings on their daily record sheet.

DAY THREE
"What's a Wetland?"

This lesson will help kids understand the functions of wild areas. They will be better prepared for a field study the following session.

GOALS
As a result of this lesson, students will:
- map wetlands and wildlife habitats
- understand the functions of wetland in the environment
- be prepared for the following field study

MATERIALS
1. Tracing paper.
2. Maps of issue area.
3. Pan (may be baking pan, or paint pan).
4. Clay.
5. Carpet strips.
6. Science observation sheet (included).

PROCEDURE

1. Tell students they will be visiting the issue site, and will need to prepare for their studies there.

2. Ask students what they expect to find at the site. List on butcher paper.

3. As a class, decide what areas they should concentrate their investigations on to help find answers to their questions.

4. Our class determined that they wanted to focus on the water and elk habitat.

5. Have students use tracing paper, colored pencils, and maps to create a map of the area to take to the field for investigations.

6. We shaded in elk ranges, wetlands, and Catamount Lake. Some students chose to make an overlay of proposed ski runs, golf courses, roads, and buildings areas.

7. Assemble students and check for understanding of all elements on their maps.

8. Discuss wetlands. Ask students to predict what they'll be like.

9. Play the Devil's Advocate and announce that wetlands sound like a messy place, which we might as well pave over. Elicit responses from students on the value of wetlands.

10. Using a pan, make a model of a wetland. Spread clay to represent a stream bed. Pour water onto one edge of the slightly tilted pan and observe. Next, place a strip of carpet half way down the water course and pour water again. Observe that the carpet slows the stream of water. Discuss how this is an analogy for vegetation in a wetland. List advantages for slowing the stream of water. (i.e. flood control, limits erosion, etc.)

11. Next, clean tray and pour muddy water down stream course. Clean and add a new carpet strip. Again, pour muddy water down stream and observe that the carpet purifies it.

12. As a class, list other functions of wetlands (habitat for animals, food, recreation, etc.)

13. Introduce the concept of "mitigation" as it relates to wetlands and the Army Corps of Engineers' permit program under Section 404 of the Clean Water Act. The law requires projects that alter wetlands to be replaced, or former wetland areas be restored.

14. As a class, review web and list of questions. Add any pertinent new information.

15. Have students make third daily entry on log sheet. Gather to share and average opinion scores. Discuss possible reasons for any opinion shifts.

FOLLOW-UP
Have students prepare for a field trip with sack lunch, water-proof boots, rain jacket, etc.

DAY FOUR
"What's There?"

This lesson will give students experience in primary-source research. A very important aspect of a thematic study is direct experience with the topic.

GOALS
As a result of this lesson, students will:
- conduct first-hand investigations as biologists
- understand the importance of primary-source investigations
- apply observation and record-taking skills

MATERIALS
1. Maps previously created by students and logs.
2. Parent helpers.
3. Hand lenses.
4. Fine nets and water containers.
5. Meter sticks.
6. Trowels.
7. Camera.
8. Art supplies (colored paper, tissue paper, yarn, etc.).
9. Bulletin board - a bare outline of major features of the site, the bigger the better! May be as a map or mural. Students may help plan and prepare.

PROCEDURE

1. Tell students they will be field biologists for the trip.

2. Small groups are much more effective for a field trip. If possible, plan for four research groups. Each group will need a parent volunteer. Groups will rotate between four studies at the site: vegetation survey, water study, soil study, and animal scavenger hunt. Explain activities before leaving school.

3. Remind students that scientists need to observe thoroughly, and keep accurate notes. Pictures help, as records of where observations were made. Show kids how maps with study sites and record observations on the observation sheet (included). Remind students that we do not want to alter the environment while studying it, so be careful to make as little impact as possible.

4. Water study. With collection nets and containers, students will study stream for life. Encourage them to pick up rocks, and look closely. They can use hand lenses to help see clearly. Have students draw as many organisms as possible.

Collect a sample to bring back to school for observation with a microscope. Students will use keys to identify animals. They will soon discover that water Insects have various life stages. Students should also note stream flow, clarity, and other aspects.

5. Vegetation inventory. With meter sticks, students mark off a square meter. They are then to list as many species of vegetation as possible. Record numbers of species, and draw most predominate ones. It is interesting to compare one square meter in a riparian zone with a meadow zone and montana area.

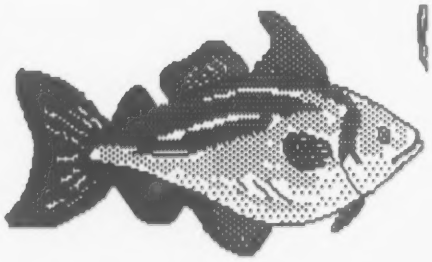
6. Soil study. Students will use trowels and hand lenses to take soil samples from wetland area, meadow, and montane zone. They will compare color, texture, and use hand lenses to identify objects in soils such as pine needles and insects.

7. Animal scavenger hunt. Students will investigate signs of animal life. Look for feathers, fur, gnawed branches, animal homes, bones, bird calls, animal sightings, tracks, etc. When possible, students should identify animals from clues and make a list of animals found in that environment.

8. Before leaving the site, students share information gathered. Describe the resort, and visualize how it would look at the site. Predict impacts the development would have on the area.

9. At school, use microscopes to observe samples, and have students fill out another opinion survey, average class opinion, discuss changes in opinion, and discuss answers found for questions.

FOLLOW-UP
For homework, each student is to choose an example of something interesting they saw on the trip. They were either to bring in an example, or make a drawing or model of it for the class bulletin board.



DAY FIVE
"Who Decides?"

After studying the site as it currently exists, this lesson will investigate how land use decisions are made.

GOALS
As a result of this lesson, students will:
- understand that the process of making land use decisions involves input from many people
- use decision-making skills
- produce a plan for the Catamount Resort
- compare their plans with the actual plan

MATERIALS
1. Tracing paper.
2. Maps.

PROCEDURE

1. Have students share their homework example with class and add to the bulletin board.

2. Discuss that this is the area as it exists now, and ask if students know how land use decisions are made.

3. Discuss who and how development ideas get started, and the studies that may accompany the process. Then discuss how planners make decisions. Use the bulletin board to brainstorm things to be included in a resort.

4. Pair students to work on plans. Start with the original map of the area from Day 2, and cover with tracing paper. They are to make land use decisions on what to include in the resort, and where to make changes.

5. Students share plans with the group, and discuss problems encountered. Each pair selects a favorite aspect of their plan to add to the bulletin board.

6. Students record observations on the record sheet, average class score, and check web and questions.

FOLLOW-UP
For homework, students discuss their plans with family and note responses.

DAY SIX
"We Agree to Disagree"

By this point, students will be forming stronger opinions on the issue. This lesson will introduce the concept of debate, and give students practice in defending various opinions.

GOALS
- Students will recognize varying points of view.
- Students will defend opinions.

MATERIALS
Timer.

PROCEDURE

1. Have students examine bulletin board for conflicts of interest. Example: the base of a ski run may be located in an elk winter range.

2. Discuss "special interest groups" and "point of view."

3. Use web to generate a list of special interests (i.e. skiers, fishermen, ranchers, shopkeepers, etc.).

4. Choose two conflicting special interest groups, and randomly divide the class to represent them.

5. Each group creates a list of ten points to defend their assigned viewpoint. Initially, students may need help preparing arguments.

6. Introduce a simplified debate format. Each team will select a spokesperson. Each speaker is allowed three minutes to present his/her group's argument. Allow teams to confer and prepare rebuttals. Teams will alternate with up to one minute each, with a different spokesperson each time. The teacher may want to limit the number of rebuttals. Then have each team prepare a two-minute closing speech.

7. Discuss the debate and feelings in defending a view that's not their own.

8. Students record in their logs and average class opinion. Compare with previous opinions; discuss how they may have shifted.

FOLLOW-UP
At home, students discuss the debate with the family, and add to list of special interests groups in their notes.

DAY SEVEN
"Who Else Cares?"

During the next five sessions, students will be preparing for the simulation of a public hearing. Up to this point, they have considered various viewpoints. Now they will choose (or be assigned) a viewpoint to represent at the hearing.

GOALS
- students will identify a variety of special interest groups interested in the issue
- students will prepare for an interview with pertinent questions
- students will arrange contact with primary sources for interviews

MATERIALS
Class web.

PROCEDURE

1. Use web to list as many special interest groups as possible. Predict which groups would be for or against Catamount.

2. Next to each group, list people who would represent the various viewpoints. (Be sure to check parent responses from the parent notes. If more input is needed, post the list in the staff lounge asking for suggestions.)

4. Divide students into groups, with each main interest group represented by at least two students. It helps to let students select the viewpoint they support because they often have easier access to resources.

5. Tell groups they'll be defending their interests in a forum meeting, and will try to convince people to agree with their point of view. They'll need as much information as possible to help their defense.

6. Have groups decide who they'll get information from that will support their views.

7. Introduce students to the available printed information.

8. Have students contact people (after discussing phone etiquette) and arrange a time to meet. Be flexible with scheduling.

9. Have groups create a list of questions for the interview. Demonstrate how to take notes while someone is talking.

FOLLOW-UP
Students conduct interviews and record notes. Have students write and send thank-you notes for interviews.

DAY EIGHT
"What's My Line?"

During this session, students will begin to assume roles for the simulation on day ten.

GOALS
As a result of this lesson, students will:
- assume role of a representative of a group
- develop a character sketch of their role

MATERIALS
1. All available printed material.
2. Examples of good character sketches from literature (i.e., *Onion John, The Cay, The Black Pearl*, etc.).
3. Logs and opinion records.

PROCEDURE

1. Have students share interesting information from interviews. Record answers to questions, and new issues to web.

2. Discuss new questions. Point out that new information often generates new questions.

3. Tell students that they will be role playing various characters representing the special interest groups. In order to role play effectively, they will need to assume as many characteristics as possible.

4. Discuss characteristics. Have students describe a person while the rest visualize. Discuss the importance of details such as voice, body language, dress, etc. Read examples from literature of good characterizations as students visualize.

5. Have students choose a special interest group to represent. Encourage them to represent the one they researched since they already have useful information. Also appoint a student with good leadership skills as Forest Supervisor. Try to have a spokesperson for each identified group. Some students may choose to be reporters, interested citizens, etc.

6. Have each student develop a fictitious name, background, and character sketch.

7. Complete opinion survey, notes, and class average.

FOLLOW-UP
Have students gather appropriate costumes and props for their characters. They should seek critiques from home and friends.

DAY NINE
"Hearing Procedures"

This lesson will prepare students for the simulation with procedures necessary for effective meetings.

GOALS
As a result of this lesson, students will understand the reasons for procedures and will know procedures for a public hearing.

MATERIALS
Logs and opinion surveys.

PROCEDURE

1. Tell students they are to play a group game for ten minutes, but must decide upon the game, rules, etc. Then sit down and observe. Offer no suggestions, help, or leadership.

2. After ten minutes, stop the class and discuss what happened.

3. Ask the students why procedures are important. They will probably suggest that they save time, get more done, have more order, and give everyone a chance to speak. Discuss why leaders are important. Ask for examples of procedures used in their clubs (i.e., Boy Scouts, 4-H, etc.).

4. Ask students if they think procedures are important for government meetings as well. Ask for examples. (i.e. court room, legislature)

5. As a class, determine procedure for class simulation. If possible, a guest speaker from the county commissioners or Forest Service office may be very helpful. Decide who will conduct the meeting (Forest Supervisor), the order of presentations, time factors, etc.

6. Each representative will have a chance to present their views at the hearing. Discuss what makes interesting presentations. Students may make graphs, charts, maps, slides, pictures, etc. to enhance their presentation.

7. Discuss use of notecards and how to rehearse for a presentation. It's important that students include facts they've accumulated from interviews and class discussions. Review how a variety of points help in debate.

8. Have students record opinions, and record class survey.

FOLLOW-UP
Students are to prepare presentation with note cards and visuals. Allow several days for preparation.

DAY TEN
"Propaganda Promotions"

As the day for the simulation nears, this lesson builds excitement, as well as gives hands-on practice with propaganda techniques.

GOALS
As a result of this lesson, students will recognize propaganda techniques and create and distribute a message applying a propaganda technique.

MATERIALS
A variety of bumper stickers, campaign buttons, posters, ads, etc.

PROCEDURE

1. Discuss what propaganda is and how it is used.

2. Show students the examples, one by one. Discuss what the message is, and how it is presented.

3. By the time examples are shared, students will recognize that the message needs to be clear, and should stick to one issue.

4. Techniques often recognized by students are: bandwagon, repetition, emotional words, and testimonial.

5. Tell students they are to create a slogan and materials to distribute around the classroom.

FOLLOW-UP
1. Students create ads, bumper stickers, posters, etc. to post around the room. If you'd like to get the school involved, post around the building!
2. Check that students are preparing for the simulation.

DAY ELEVEN
"Newspapers Spread Ideas"

This lesson will explore the forum that editorials, letters to the editors, and cartoons provide in newspapers and magazines.

GOALS
As a result of this lesson, students will:
- understand the message of selected political cartoon editorials
- write an editorial or letter to the editor supporting their viewpoint
- create a political cartoon

MATERIALS
1. Examples to political cartoons, editorials, and letters to the editors (best if dealing with issues familiar to students.)
2. Books on how to draw cartoon characters.

PROCEDURE

1. Share an editorial with the class and discuss the message. Discuss the reasons why the editor wrote the editorial, and what supporting information was included.

2. Share a letter to the editor with class and follow former procedure.

3. Share a political cartoon with class and discuss as above.

4. Form cooperative groups to evaluate examples of each. Have each group determine the message, evaluate, record notes, and prepare to share. Then, rotate examples until each has been evaluated by every group.

5. As a class, evaluate each example, and note differences and similarities in interpretation.

6. Tell students that they will be writing a letter and creating a cartoon. Discuss how the message should be clear and should support their viewpoints.

7. Share cartoon books with students, and allow class time to start.

8. After 20 minutes, have students who wish share letters and cartoons. Since this is difficult for many students, make sure all are clear on how to proceed.

FOLLOW-UP
1. For homework, students are to complete a final draft of a letter and cartoon.
2. If time permits, students may want to respond to each other's letters.
3. Students will need to be prepared with characterizations, notes, and visuals for their presentation during the simulation.

DAY TWELVE
"We Ask To Be Heard"

This simulation gives students the opportunity to gain first-hand experience with a public meeting as they will apply knowledge gained.

GOALS
As a result of this lesson, students will:
- apply debate skills
- apply characterization skills
- participate in a decision-making process
- learn that input from many people determines outcome of land use decisions

MATERIALS
1. Overhead
2. Video camera and blank tape
3. Audiovisual equipment

PROCEDURE

1. Have the classroom set up as a hearing room. We chose to arrange desks in a semi-circle facing a screen with overhead and slide projector. Our Forest Supervisor also sat at a table in the front. Videotape the meeting for later evaluation by students and teacher.

2. Have the Forest Supervisor give a brief summary of why the meeting has been called. Review history, and what steps will follow. In this case, the supervisor will consider all viewpoints, along with a final draft of the Environmental Impact Study. A decision will be made on whether to grant a permit for development, and under what circumstances.

3. Each presenter will have up to three minutes to present their opinions. This should include some sort of prepared visual. The presenter will then be open for questions from the Forest Supervisor, and then from the other participants. These may need to be limited due to time limitations.

4. After all presentations are made, the Supervisor may review the issues, ask any clarification questions, and make a closing statement.

5. Adjourn the meeting to deliberate and consider points made.

6. Have students complete a daily attitude log and make class average. Discuss changes in opinion and reasons for them. Discuss the simulation itself. How did students feel listening to each other, presenting, and when the decision was left up to the Forest Supervisor?

DAY THIRTEEN
"What Happens Now?"

This cumulative lesson will explore how attitudes may have shifted as citizens became more informed. Arrangements will be made to continue following the issue.

GOALS
As a result of this lesson, students will:
- make an opinion graph
- recognize the importance of informed decisions
- write a summary of the unit
- continue to follow the issue

MATERIALS
1. Logs and opinion surveys.
2. Graph paper.

PROCEDURE

1. The Forest Supervisor will present the decision and conditions to class.

2. Students will discuss the decision and options if displeased.

3. Students arrange their daily log sheets in chronological order and create an opinion graph.

4. Model with class graph on how attitudes changed, and causes for shifts in opinion. From notes, review what topics were covered each day.

5. Have students write a three paragraph essay on the topic. One paragraph describes shifts in attitude. Another describes interesting, surprising information gained. Finally, write a paragraph on what should happen in the future on this issue.

6. Class shares opinions and discusses ways of influencing the actual decision. (We decided to compose a group letter to the local newspaper and to the Forest Supervisor responsible for the decision.)

7. We decided to share information with other classes. Groups took web, maps, and a brief presentation to interested classes.

8. The class decided to continue watching follow-up information to bring and share.

NAME: _____

DATE: _____

OPINION SURVEY

Issue: Should _____?

0 1 2 3 4 5 6 7 8 9 10

Absolutely Not — Not Sure — Absolutely

Reasons to support your opinion:

_____

_____

_____

_____

Compare today's opinion with our last session. If it changed, what influenced the change?

_____

_____

_____

_____

What more would you like to know about this issue?

_____

_____

_____

_____

Notes from discussions (include: class, family, and community):

_____

_____

_____

_____

EVALUATION SHEET

NAME: _____

DATE: _____

ACTIVITY: _____

1. **Record your location on the site map.**

2. **List or draw your observations below.**

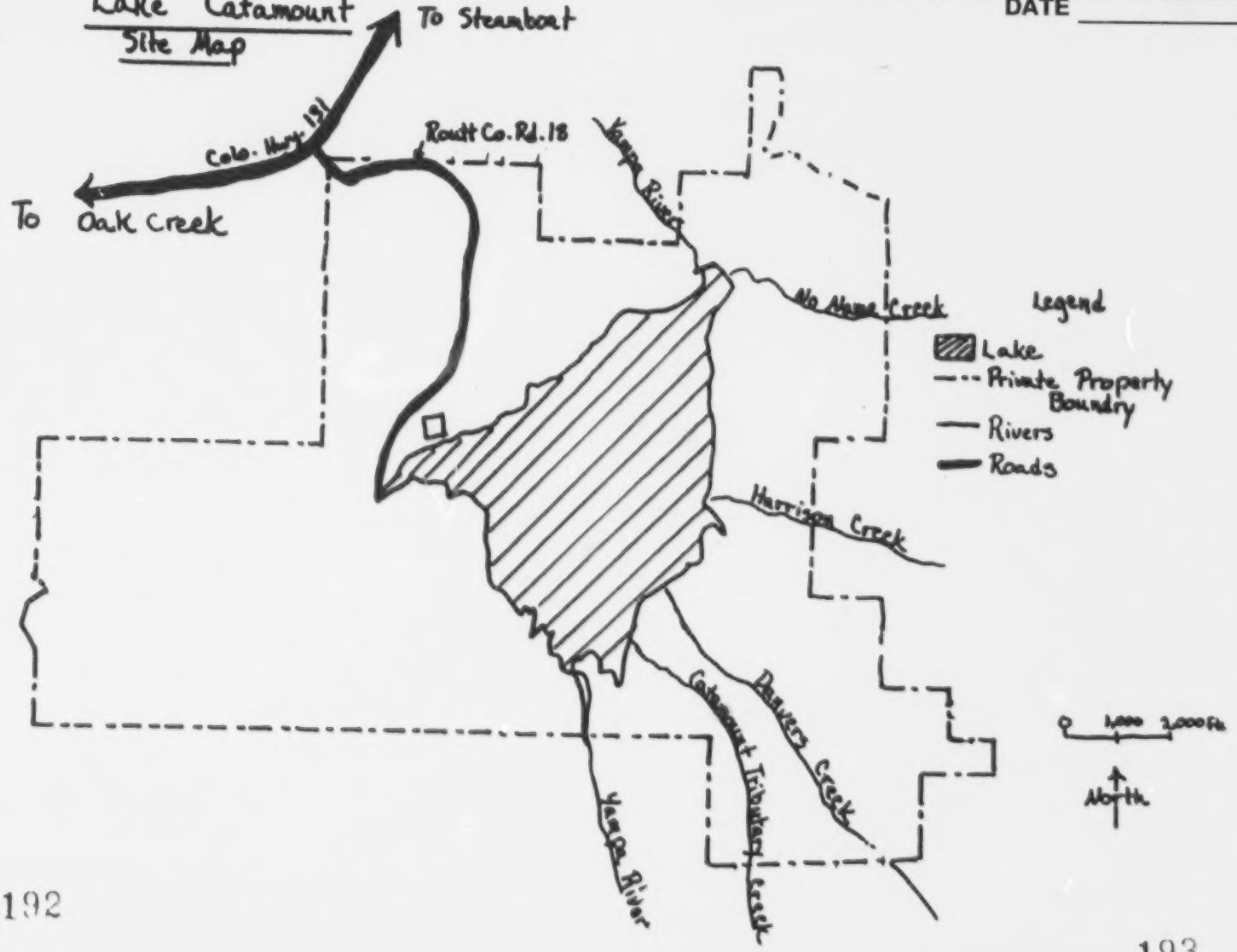
3. **Use the back of this sheet if you need more room. (Be sure to take a very close look!)**

Conclusions -- What did you learn from this observation?

NAME _____

DATE _____

Lake Catamount
Site Map



Focusing On Environmental Concerns

Connie L. Connell and Oralee T. Kramer
Chinook Middle School
Bellevue, Washington

OVERVIEW
Students will brainstorm possible solutions for an environmental problem. The purpose of this group activity is to focus on solutions for community problems outside the legislative process. Students will experience the complexity of the decision-making process when it involves a regional or global problem. Each group must study the impact of decisions on others economically and legally throughout the area.

This lesson allows students to select a single environmental issue and then focus on possible solutions to this problem. Students work best if placed in a group that is focusing on an issue that he/she is concerned about. Students are to deal with solutions that do not require the legislative process. After spending time discussing and studying the problems of the world, it is important to stop students and have them focus less on problems and more on possible solutions. Students will then take the solutions that they consider to be feasible and study their ramifications to the area and the people involved.

GOALS

- Students will reach an understanding of the process for changes outside the legislative process.
- They will become aware of the complexity of solving environmental issues.
- Students will understand the problem-solving process and will experience the cause/effect relationship between solution and ramifications for the community.
- Students will evaluate the strengths and weaknesses of solutions, determining if one is feasible for further development.

AUDIENCE
Grades 6 through 12.

TIME TO COMPLETE
Two class sessions or more, as time and other commitments permit.

MATERIALS

1. Copies of "Selecting Solutions for Environmental Problems"
2. Copies of "Force Field Analysis for Environmental Problem Solving"
3. Butcher paper
4. Felt pens
5. Tape

PROCEDURE

DAY ONE
Before this task, the teacher will need to poll the students for interest in specific environmental problems so that all members of the group are interested in the same problem.

Distribute copies of "Selecting Solutions for Environmental Problems" to the students. Read through the material with the class. Have students group themselves (four per group) and select a person as the scribe. Students are to make a list of possible solutions to the problem in a brainstorming session. The scribe will write down all the possible answers on the butcher paper.

After the students have generated as many ideas as possible, do an analysis of each suggestion. By group consensus, have the scribe mark each of the suggested solutions which are practical. Then mark with a circle the solutions which would be acceptable to the majority of the community.

At the conclusion of the voting, have the students fill out the remainder of the "Selecting Sheet" (included). Then have the students tally their votes so the group can choose the four solutions with the largest number of votes.

DAY TWO
With students in their groups of four, pass out the copies of "Force Field Analysis for Environmental Problem Solving." Go over the sheets with the students and have them work on the sheets in their small groups. At the conclusion of the time, the students might well decide if they are willing to pursue at least one of their previously chosen solutions.

TIPS FOR THE TEACHER

Remind students that whenever they are involved in a group discussion, they must be sensitive to other people's opinions and ideas. Especially during brainstorming, all ideas are to be written down. This is a great time to evaluate a student's ability to function in a social setting.

In order to achieve maximum quality in problem solving, students must believe that their thoughts and ideas are feasible, will be heard by others, and hopefully with hard work, implemented. The atmosphere of the classroom determines the quality of work and the enthusiasm of the student.

OPTIONAL LESSON

As a project, have each group work on carrying out their solution(s). This could be done as a long-term project during the course of the year. They might attend a City Council Meeting, School Board Meeting, etc.

Selecting Solutions for Environmental Problems

Your group has selected a concern; now look at potential solutions. The first step is to generate a list of all of the possible things which might be considered as solutions. During this time, you should not evaluate any of the ideas. Brainstorming rules apply.

After your group has produced a large number of ideas, you will need to evaluate them for practicality and acceptability. You will be asked to vote on each suggestion. The scribe will note each of the ideas which meets these requirements. List here all of the potential solutions which received votes as being both practical and acceptable.

Points	*List of Suggestions*
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Now you need to look over the list and decide which three ideas you think would be the best. Next to the suggestions above, give five points to the solution you think is best, three points to the one you think is second best, and one point to the solution you think is the third best.

Now your group will total the points for each solution. List the four which received the most votes from the whole group.

FORCE-FIELD ANALYSIS FOR ENVIRONMENTAL PROBLEM-SOLVING

Have you ever heard, "WHY DON'T THEY DO SOMETHING ABOUT IT? THE ANSWER IS SIMPLE!"? One of the things you will find is that answers are not simple and solutions are not easy to implement. Each group has selected four possible solutions for their environmental issue. Consider, as a group, the following items for each. Make certain **each** group member acts as a scribe for one of the solutions you will be discussing.

Possible solution: _____

_____

People who may help:

_____

_____

_____

People who may oppose it:

_____

_____

_____

Local/state/national laws which would help:

_____

_____

_____

Local/state/nat'l laws which may be a roadblock:

_____

_____

_____

Financial help you may receive:

_____

_____

_____

Financial problems you may face:

_____

_____

_____

Public attitudes/beliefs that may help:

_____

_____

_____

Public attitudes/beliefs that may be a roadblock:

_____

_____

_____

Other factors that may be helpful:

_____

_____

_____

Other factors that may cause a roadblock:

_____

_____

_____

Which argument is stronger, the negative or the positive? _____

_____

_____

Should your group still pursue this solution? Why? _____

_____

_____

_____

The Legality of Garbage?

Connie L. Connell and Oralee T. Kramer
Chinook Middle School
Bellevue, Washington

OVERVIEW
Student awareness of garbage in our society will be "brought home to them" through this exercise. Each student will keep a record of how much garbage leaves his/her home in a week. They will then graph this over the period of a week. After reviewing their results, the students will then draft a proposed law to remedy the problem, either at the distributors of the merchandise or at the home front by making recycling mandatory.

GOALS

- The student will learn more about the garbage problem.
- The student will understand the quantity of garbage in the average American home.
- The student will analyze the garbage as to its source: packaging from the manufacturer, junk mail, natural product, etc., as well as its potential for recycling.
- The student will draft a law mandating a solution to one aspect of the garbage problem.

AUDIENCE
Grades 4 through 12.

TIME TO COMPLETE
Four to five days of class time.

MATERIALS

1. A film such as the, "Garbage Explosion," which investigates the nature, volume, and composition of solid wastes, and includes a growing proportion of less destructible paper, metals, plastic and glass, much of which can be recycled.
2. A "Garbage Analysis Form" (included).
3. A film such as, "Recycling in Washington State: It works for You," which deals with creative ways to recycle.
4. A "Resolution on Garbage" form (included).

PROCEDURE

Before showing a film such as "The Garbage Explosion," ask students to look for garbage that they see in their own house. Have the students list some of these objects. Then ask them to estimate where most of the garbage comes from.

Pass out the, "Garbage Analysis Form," and instruct students that they are to keep track of what is thrown away in their home for a week. They should communicate with parents so that there is no problem with them getting into unhealthy or "none of their business" types of materials. A letter home might be a good idea so that parents can be aware of what the students are trying to accomplish.

At the end of the week, have the students mark the objects which they think might be recycled.

Watch the film on recycling, then have the students make a chart of the plastic, glass, newspaper, mixed paper, aluminum, and compostable products from their own house which could be recycled. Approximately how much is left?

Have the students analyze where the garbage comes from. Is the manufacturer contributing to the problem in ways that could be changed? Is the garbage a natural product which could be used for compost? Is the garbage a necessary product which could be recycled by the consumer?

After discussing with the students the fact that a law must be possible, reasonable, and enforceable, have each student draft a law which would address one aspect of the garbage problem.

EVALUATION

Students can be evaluated in a variety of situations: forms, discussion, group work, and listening skills. Parents actually liked this activity and claimed their children were more careful about recycling and not wasting.

GARBAGE ANALYSIS FORM

Remember to tell your family what you will be doing at home this week!!!
Fill in your chart to the best of your ability; if you need to, you may estimate.
Place the amount of pounds and, if possible, the number of items contained in the total number of pounds.

	PLASTIC	GLASS	NEWS-PAPER	MIXED PAPER	ALUM-INUM	COMPOST MATERIAL	OTHER
DAY 1							
DAY 2							
DAY 3							
DAY 4							
DAY 5							

RESOLUTION ON GARBAGE

Whereas:

Be it resolved:

A Legislative Solution!

Connie L. Connell and Oralee T. Kramer
Chinook Middle School
Bellevue, Washington

OVERVIEW

In this reading and activity, students will understand the process by which a bill becomes a law and see that same problem may be solved through the passage of new legislation.

GOALS

- Students will understand basic information about the legislative process.
- Students will understand the roles of different groups in the legislative process.
- Students will understand the possibilities of his/her own role in the legislative process.
- Students will see how different laws have already become a part of solutions to environmental problems.

AUDIENCE

Grades 4 and up.

TIME TO COMPLETE

One class session.

MATERIALS

1. Student reading (attached)
2. Sequencing sheet "How a Bill is Passed." (included)
3. Scissors
4. Glue

PROCEDURE

Distribute the student reading. Read through the letter orally.

Distribute the sequencing sheets, scissors, and glue.

Using the letter and the sequencing form, have students cut out, paste, and label their project showing the correct legislative process to pass the bill. Correct answers to sequence are:

1. Introduction
2. Hearing
3. Committee
4. Report Back
5. Rules Committee
6. Full Debate
7. Sent to the Other House.

This is an enjoyable way for students to understand a process that can be confusing. If students are having fun, learning comes more easily. This activity is an easy way to evaluate a student's understanding of the legislative process.

STUDENT READING

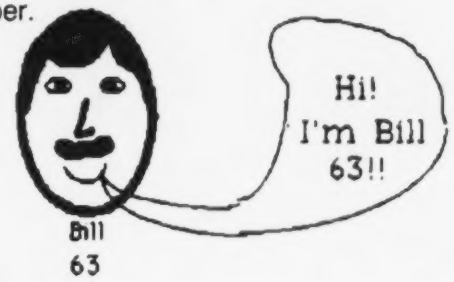
Dear Class,

I just thought I would type a quick note to you while I am on my break. Don't think I am lounging around while I am being a page at the legislature. It is almost as much running as turn-out for track. And I still have to do all of the projects you guys have anyway. How are your five-paragraph papers coming? My rough draft is done but I have a lot of proofreading to do now.

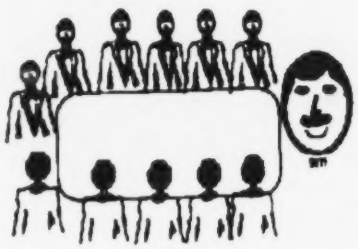
I wish you could all come down here and watch the legislature in action. I had no idea it was like this. As young people, we can get in on some of the action. In Washington state, voters can introduce bills for consideration by writing an initiative and getting the issue put on the ballot for a general vote. You have to be a registered voter to sign an initiative but young people can take the petitions around and get people to sign them. The most interesting part for me is the special interest groups who lobby the legislature for their cause.

The passing of a bill is really complex, I'll draw you a cartoon of the process. It would take me ten breaks to type it all out for you. Here it is:

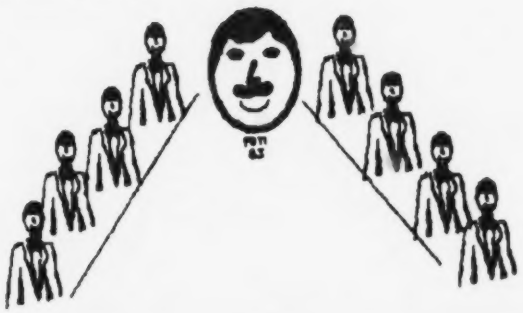
1. A bill is introduced and given a name and number.



2. A bill is sent to committee and given a hearing.



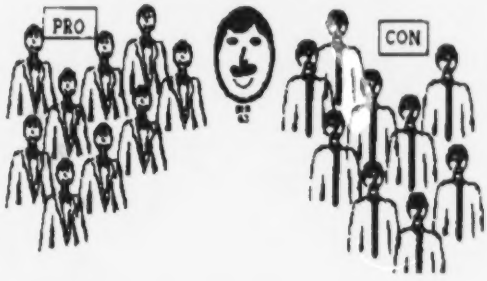
3. A bill is considered by the committee.



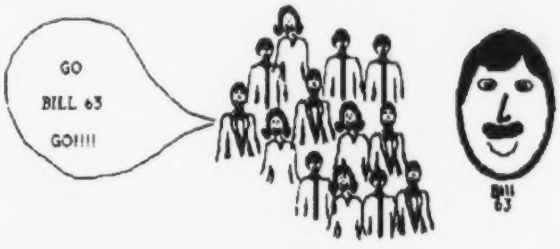
4. The committee reports back.

5. The rules committee votes on the bill.

6. A full debate is held.



7. The bill is sent to the other house.



I had no idea how many bills were filed and that so few of them pass and are signed into law by the governor. I am enjoying my time as a page. I live in a dorm room with another guy from the eastern part of the state. He is interesting and we play a lot of foosball. I think I will go visit his home during spring break.

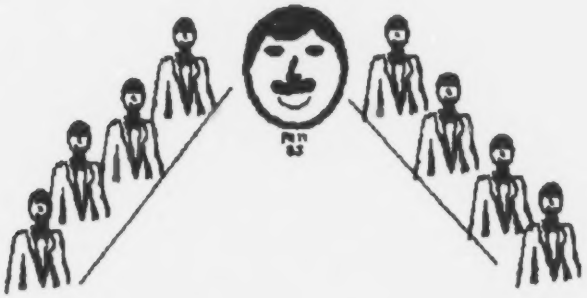
I wish some of you were here with me to proofread my paper!

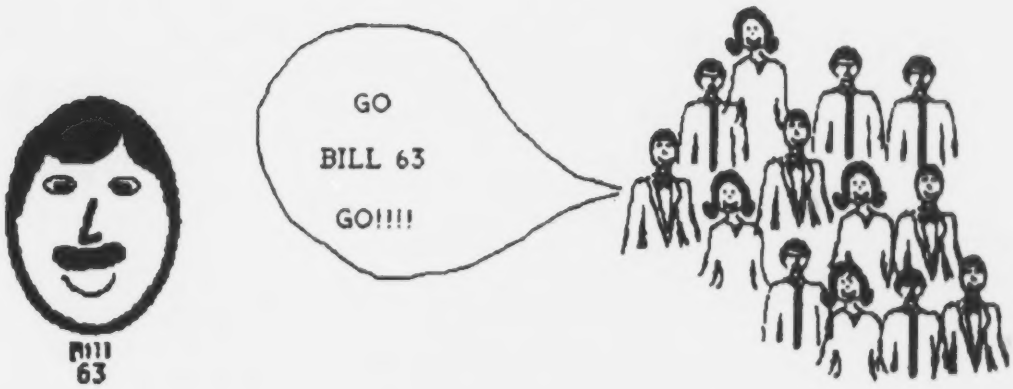
Sincerely,

Matt McDonald

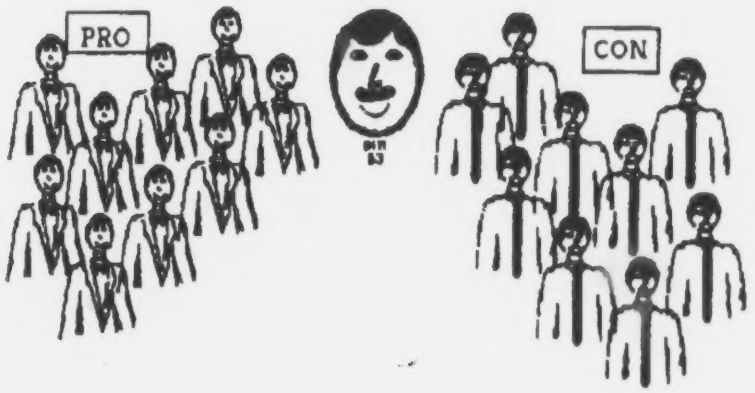
SEQUENCING A BILL

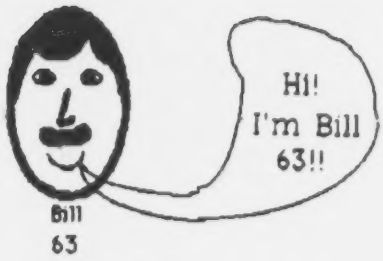
Cut out the following cartoons and paste them in proper sequence to explain the making of a law. With each picture, write a caption to explain the step. Have fun putting the puzzle together!

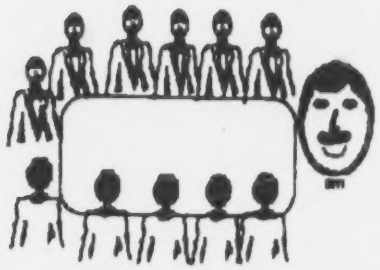


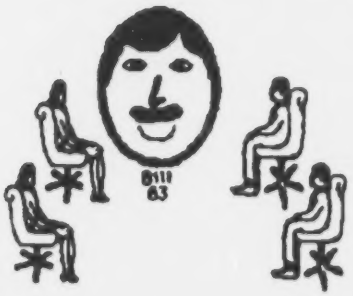


SEQUENCING A BILL, Continued









RULES
COMMITTEE

Becoming A Land Owner

Dixie Beck
Minden Middle School
Minden, Nebraska

OVERVIEW
This lesson is designed to help students understand the opening of the West during the great migration. They will study eight ways of claiming land under different government acts.

GOALS
Students will become aware of the effect government can have on the people. They will become familiar with different types of land in Nebraska (sandhills and plains). They will understand the variation in land prices over the years and note that even in the mid-1800s there were people who were willing to cheat for their own gain. The students can dream of their own futures and of land that they might want to own when they become adults.

TIME TO COMPLETE
40 minutes a day for three or four days.

AUDIENCE
Fourth grade and up.

MATERIALS AND OUTSIDE RESOURCES

1. Reference sheet (one copy for each student).
2. Eight sheets of 12" x 18" paper (posters).
3. Eight magic markers.
4. Eight 2" x 4" cards with one method of obtaining land printed on each card (Squatters, Homesteaders, etc).
5. Transparency of local county atlas showing names of land owners and residents.
6. Local realtor.

PROCEDURE

1. Discuss with the students what property they might want to own in the future: farm land, city business property, a home, or an apartment building. This will lay the groundwork for personal interests the students have in their communities.

2. Invite a local realtor to visit with your class about current land values in rural and urban areas. Get prices of land used for farming, businesses, and building sites for homes. The realtor can discuss the county atlas transparency pointing out their townships and various land owners or residents that they might know.

3. Study the different methods of getting land in the mid-1800s. Explain that most of the land east of the Mississippi was settled so the people had to push westward.

4. Then divide into small groups and each group will choose one 2" x 4" card and report on that particular method of getting land. Each group will prepare a poster describing that method.

5. Students will follow up by role-playing the various methods of getting land. The entire class will enjoy trying to guess which role is being acted out. Everyone gets a chance to participate in role-playing.

6. The teacher will display the 12" x 18" posters on the bulletin board for a week.

REFLECTIONS ON THE LESSON
The realtor will catch the students' interest the first day. The next day the students will be eager to study the different methods of obtaining land and to design the 12" x 18" sheet. Group reports should highlight the third day, with the role-playing reserved for the fourth day.

When field-tested, even the shy children entered into the role-playing enthusiastically. This teacher noticed that the students used the correct titles for the various Land Acts in the group presentations and in role-playing.

Before the 12" x 18" posters were taken from the bulletin board, the students were tested by having them write a short paragraph about four of the eight Land Acts.

Further follow-up could include:

1. Pretend you are a homeseeker. Explain why the government should give you Indian land.

2. Pretend you are an Indian. Explain why the Government should keep the homesteaders off of your land.

3. Pretend you are a U.S. Government official. Make a plan for land use that is fair for all.

REFERENCE SHEET: METHODS OF OBTAINING LAND

The Kansas-Nebraska Act was passed in 1854, allowing settlement of the territory. The Indians ceded their lands under treaties.

SQUATTERS

People had already spied choice locations and when settlement was legal, hundreds of pioneers began to hold their land. This was not legal. People were coming faster than the government survey teams could survey the land, and land could not legally be claimed until it was surveyed. Once surveyed, some settlers would try to file a claim on land that was already occupied by a "squatter." This created problems. To protect themselves, the "squatters" formed Claim Clubs and banned together to keep their lands. This forceful method was usually successful because there was a lot of available land, and the other party would decide to locate elsewhere.

PRE-EMPTION

The Pre-Emption Law of 1841 allowed a settler to buy 160 acres of land for $1.25 per acre. You could not buy land under this law if you had already pre-empted (settled upon) before. If you owned 320 acres of land, you had to agree that you were not buying more land to resell for a profit. You had to "prove-up" (that meant constructing a house on the land) within five years. In Nebraska, a little frame house was built, mounted on wheels, and pulled by oxen from one claim to another. It enabled the pre-emptor to swear that he had a *bona fide* residence on his claim. This structure was a real money maker since it rented for $5.00 a day. There was a lot of cheating under this law. People with money (land speculators) would pre-empt land under many names and then resell for a huge profit. Large land operators would pay people to pre-empt and then buy the land from them. The Pre-Emption Law was repealed in 1891.

HOMESTEAD ACT

This act was originally vetoed by President Buchanan, but later signed by President Lincoln (1862). With a $5 filing fee for 80 acres or less ($10 for over 80 acres), you could claim a quarter-section or less of land. (If you already owned land, you could only homestead additional land up to an aggregate of 160 acres.) After living on it and cultivating it for three to five years, it was yours for the payment of a $26.00 final patent fee. Only about one-half of the farmers lasted the required number of years. The "free farm" did not assure success. Many of the homesteaders were not farmers to begin with, and others found farming on the Plains very different from what they were used to. In many areas the acreage simply would not support a family. Most did not have money to see themselves through the bad years.

RAILROAD LANDS

The railroads were given land by the government to encourage them to lay tracks across Nebraska. Since the Union Pacific was the first, it was given alternate sections along its right-of-way. The Burlington was given its acreage wherever it wanted to select it. The railroads then sold the land for $2.50 an acre. These lands were usually good farm ground. The railroads conducted a very successful campaign to encourage the settlement of their lands.

TIMBER CULTURE ACT

The Culture Act gave homesteaders an additional 160 acres of free land if they agreed to plant trees on 40 acres. It was believed that timber was necessary for good rainfall. In many areas, it was impossible to grow trees, but in many more instances, the law was used simply to increase land holdings without any effort to plant trees.

KINCAID ACT

Lands in northwest Nebraska were not suited for farming. Only grazing could be successful and you needed more than 160 acres to graze cattle. This act allowed 640 acres to be homesteaded in some counties of Nebraska (Sandhills). Some farmers did try to use this Act to obtain large farms, but most of them just could not make farming a profitable venture. People who used the Kincaid Act to get land were called Kinkaiders. You could receive patents on the land after residing there for five years and giving proof that improvements valued at $1.25 an acre had been made upon the claimed land.

LAND RUN

April 22, 1880 was the date set up for home seekers to line up at the boundary of an unassigned land (Indian Territory). Home seekers were allowed to race for a 50-acre plot. By the time night fell at least two million acres had been taken by home seekers who were fast enough and lucky enough to win land. It was tragic that many people were injured in the Land Run, and many Indians lost their land.

LAND LOTTERY

In 1906, a much safer plan was used to distribute the land. The land was parceled out in a "land lottery," 60 acres at a time. The land lottery took territory from Comanche and Kiowa Indians. Gradually, but steadily the white settlers were pushing the Indians from their land.

The Consequences of Delinquency: A Case Study in Juvenile Justice

Elaine K. Manicke
Taylor Middle School
Albuquerque, New Mexico

OVERVIEW

Many students do not have a working understanding of the differences between adult and juvenile court systems. State laws governing minors vary, as do the procedures and guidelines for dealing with juvenile offenders. Counties may also have differing procedures. This lesson provides students an opportunity to discover the procedures of the juvenile justice system in their state as well as determining a definition of justice as it may apply to people their age.

Students will define terms, make decisions, collaborate with their peers and an adult representative of the juvenile justice system, and analyze and apply information. The lesson may be incorporated into a civics or U.S. history class. The lesson, which concentrates on delinquent acts and the procedure if a minor is found delinquent, may be expanded into a unit of study on the juvenile court system from a complaint filed or the juvenile taken into custody to the disposition of the case in a particular state.

GOALS

Students will understand what happens to a minor if a complaint is filed against them or they are taken into custody and found delinquent. Students will learn this through discovering information, analyzing the information and applying it to their decisions. Teachers should also help students conclude that the system is flexible so that juveniles will have a chance to change.

TIME TO COMPLETE

This lesson may be completed in a 50-minute class, but it could easily take two days with more information given on other offenses such as status offenses (run-away, truancy), and also more background concerning the preliminary hearing.

AUDIENCE

Seventh to eighth grade.

MATERIALS AND OUTSIDE SOURCES

(1) Contact an official of the juvenile justice system to be a guest speaker in your classroom. Ask him or her to outline the procedure that a juvenile would have to go through if a complaint were filed against them or if they were taken into custody and found delinquent.

(2) Have prepared prior to lesson: resource books, dictionaries, and law-related education materials brought into the classroom, or have the students make a trip to the library.

Handout 1: Responsibility (optional)
Handout 2: Vocabulary list
Handout 3: Chart or outline researched or provided by the juvenile justice official (see New Mexico sample)
Handout 4: Lefty Lightfingers script and decision
Reference A: Juvenile Offenders
Reference B: Additional information concerning juvenile records, due process, and juvenile rights.
Reference C: Procedures for Juveniles (a sample flow chart)
Reference D: Probation Agreement

Optional: Bulletin board materials: old magazines, markers, construction paper, tag board

PROCEDURE

I. HANDOUT #1: WHAT DO YOU BELIEVE ABOUT RESPONSIBILITY?

Use this exercise to establish the generalization that responsibility for actions is important, but that we, as a society, look upon responsibility as varying with different age groups. Discuss, specifically, statements 1, 6, and 8. You may wish to ask students how this is interpreted into the court system.

What happens to a child if they do something bad? What happens to a teenager if they break the law? What happens to an adult if they break the law?

Students may conclude that children are treated differently from adults in the court systems. You may wish to use only statement 1 to conserve time. Ask students who would respond "yes" to stand. (Reference A)

Review the age of majority with students. (Age will vary from state to state.) This is the age where a person is considered an adult in the eyes of the law. Discuss why juveniles are treated differently from adults. (Juvenile Offenders: Reference A) The theory behind establishing a separate process for young people in trouble with the law is based on the two ideas: (write on board)

1) That a child should not be labeled a criminal or put in prison, and
2) that he or she should be rehabilitated instead of punished.

Optional: Prepare a bulletin board or chart outlining the procedure that occurs before a juvenile is found delinquent (guilty), pictures or statements concerning the preliminary hearing, and what the probation officer takes into consideration:

1) seriousness of the offense
2) child's attitude
3) family situation
4) school record
5) previous record of delinquent referral
6) job history

It is best to have a juvenile justice officer visit your class so that he/she can talk about these considerations briefly.

II. As a class small group activity, ask students to match the following terms using the reference material, or write a matching list on the board:

Juvenile Justice:	*Adult Justice:*
1) custody	guilty (3)
2) offense	arrested (1)
3) delinquent	sentence (4)
4) disposition	crime (2)

Debrief through class discussion of each term.

III. Research the procedures for the juvenile justice system in individual states. Any juvenile justice official speaking to your class needs to be prepared to outline the choices the judge or probation officer has if a juvenile is found delinquent and to discuss the distinction between formal and informal dispositions. (Handout #3) Create an outline or a flow chart to describe the choices the judge or juvenile court official has. (Reference sheets B and C)

DISPOSITIONS THE COURT MAY CONSIDER:

Formal Dispositions	*Informal*
1) Deferral of Adjudication	Parental Custody
2) Probation	First Offenders
3) Out-of-Home Placement	Community Service
4) Detention	Alcohol Treatment
5) Fine	Counseling

IV. Pass out the case study of Lefty Lightfingers and the decision page. (An optional exercise would be to have students gather the facts from several incidents that actually might happen to people their age and write up case studies.)

Students will work in cooperative groups to determine the disposition of Lefty Lightfingers. The decision should be written specifically using the options from the chart of dispositions the court may consider. Students must give at least three reasons for their decisions.

Debrief by having the groups share their decisions. A chart may be put on the board to tally which decisions were most popular along with the reasons why they were chosen. If possible the juvenile justice officer should be available to talk with students about the decisions.

Students might be asked to write up a list of suggestions for the juvenile courts to consider (ex., types of community service). Students may write original case studies. An outline could be prepared prior to the lesson for students to follow. Students may also write a reader's theater script to act out a case study.

REFLECTIONS ON THE LESSON

Older students may finish the vocabulary very quickly on the board with teacher prompts such as "Taken into custody in the juvenile system is _____ in the adult system". Younger students will need a bit more work on the vocabulary associations between the adult and juvenile systems. Having the probation officer in the classroom can be very effective, perhaps after the responsibility exercise. As he/she is speaking, the teacher can make a list of the dispositions.

REFERENCE: *Law-Related Education*, New Mexico Bar Foundation, 219 Central Northwest, Albuquerque, NM 87102.

Handout #1 (Where time is limited, discuss only 1, 6, and 8.)

WHAT DO YOU BELIEVE ABOUT RESPONSIBILITY?

Each of us may have different feelings about responsibility. But we may not always think about them or talk about them with others. Here are some statements to help you do this. Show how you feel about each statement by circling either the word "agree" or "disagree" next to it.

Agree Disagree	1. Fifth and sixth graders are expected to be more responsible than first and second graders.
Agree Disagree	2. People who are responsible make better friends than those who are not.
Agree Disagree	3. It is not always necessary to be responsible.
Agree Disagree	4. My responsibilities include making sure others do what they are supposed to do.
Agree Disagree	5. It's easy to know what is the responsible thing to do.
Agree Disagree	6. Children should always be held responsible for what they do.
Agree Disagree	7. Rules and laws help us to know our responsibilities.
Agree Disagree	8. Responsibility is important for people of all ages.
Agree Disagree	9. A responsible person does the right thing even when alone.
Agree Disagree	10. Being responsible always makes me popular with my classmates.
Agree Disagree	11. Being responsible is important only when others are affected.
Agree Disagree	12. It is easy to be responsible.

(From *New Mexico Law-Related Education Elementary Lessons*, p. 222)

Handout #2

VOCABULARY MATCHING/DEFINITIONS

In the spaces next to the second column of terms, write the number from the first column that corresponds to the corresponding function. Write the definitions below each term.

JUVENILE JUSTICE SYSTEM

1. custody

definition:

2. offense

definition:

3. delinquent

definition:

4. disposition

definition:

ADULT JUSTICE SYSTEM

____ guilty

definition:

____ arrested

definition:

____ sentenced

definition:

____ crime

definition:

Handout #3

FORMAL DISPOSITIONS

DEFERRAL OF ADJUDICATION:

By the consent of the parties, the case is continued (postponed) for a year or six months.
The juvenile is placed under the supervision of the probation department.
The court may impose any conditions of supervision it thinks is necessary (school, counseling, friends).
If all conditions are met, the case is dismissed.

PROBATION (See Reference D for terms of probation -- in New Mexico, two years.)

The juvenile will not violate any federal, state, or municipal laws.
The juvenile will not consume or possess any alcohol or controlled substance.
The juvenile will not possess a firearm or dangerous/illegal weapon.
The juvenile will not be in the company of anyone possessing a firearm or dangerous/illegal weapon.
The juvenile must attend school or program or work.
The juvenile will report to a probation officer.
The juvenile will make restitution as ordered.
The juvenile will pay the victim a compensation.

OUT-OF-HOME PLACEMENTS

The juvenile is placed in the legal custody of a relative.
The juvenile is placed in the legal custody of social services or child care facility.
(If the court finds that placement out of the home is necessary and is in the best interest of the juvenile and the community, the court shall place the juvenile in the facility or setting that most appropriately meets the needs of the juvenile, the family, and the community.)

DETENTION

The juvenile may be placed in a locked facility exclusively for juveniles found to be delinquent.

FINE

The court may impose a fine.

INFORMAL DISPOSITIONS

The juvenile may be...

Released to parents' custody with conditions that the juvenile will follow the rules of the house,

Asked to attend a first offenders program.

Given community service work.

Asked to attend an alcohol treatment program.

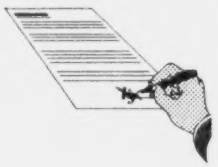
Referred to family counseling.

Handout #4

THE CASE OF LEFTY LIGHTFINGERS

Lefty Lightfingers and his friends were on the student council at school. Lefty wanted some new tunes for the dance on Friday after school. He and two of his friends went to Awesome Al's Music Store after school to find some tapes for the dance.

Lefty had always been a good student, but in his last year of middle school, he seemed to be having some trouble adjusting to his father being transferred to a new job. Lefty, his mother and two younger sisters, were staying in the old house until it was sold and the school year was over. Lefty had been giving his mother a hard time since his dad was gone. He was not following the family rules about chores, homework, and in general was being very disrespectful to his mother and teachers. His grades were slipping, but were not bad. Lefty's mom has been to school to speak to his teachers about his behavior. Lefty is on a behavior contract.



Lefty and his friends bought three tapes and were leaving the store when Lefty saw a great headset. He had wanted one and as he passed by the display, he picked one up and was putting it in his bag as he walked out the door. Mr. O. Itall caught Lefty and asked him what he thought he was doing. Lefty cursed Mr. O. Itall and told him that the man had no right to stop him.

The police were called and Officer E. Good searched the bag finding the three tapes, a sales slip, and the headset. Mr. O. Itall wanted Lefty to be taken to juvenile detention. During the preliminary hearing, Lefty admitted that he took the headset and said that he thought it was a cheap piece of junk. He stated that he couldn't see what all the hassle was about.

The judge now must give a disposition of this matter. He must decide what to do with Lefty. Given the information about the case, you must decide what you would do. Use the DISPOSITION CHART to help you.

ARE YOU GOING TO CHOOSE AN INFORMAL OR FORMAL DISPOSITION? WHY?

THE CASE OF LEFTY LIGHTFINGERS

DECISION:

Reason 1:

Reason 2:

Reason 3:

OTHER FACTS YOU MAY WISH TO BRING OUT CONCERNING THE CASE:

Alternative decision page for the Case of Lefty Lightfingers. This alternative may be used for younger students or for special education students.

THE CASE OF LEFTY LIGHTFINGERS

Use + or - to determine whether the statement is positive or negative in Lefty's favor.

___ Lefty had good grades.

___ Lefty's grades are beginning to drop.

___ Lefty took the headset.

___ Lefty lives with his parents.

___ Lefty's dad is not at home now.

___ Lefty is not obeying rules.

___ Lefty swore at Mr. O. Itall.

___ Lefty admitted taking the headset.

___ Lefty denied taking the headset at first.

___ Lefty threatened Mr. O. Itall with a suit.

___ Lefty's mother went to the school to talk to teachers.

___ Lefty had not been in trouble with the law before.

___ Lefty is on the student council.

Look carefully at these statements and the choices available. What would you do with Lefty and why?

DECISION:

Reason 1:

Reason 2:

Reason 3:

Reference A (JUVENILE OFFENDERS)

To be used for teacher information with the vocabulary exercise.

The theory behind establishing a separate process for young people in trouble with the law is based on two ideas:

1) that a child should not be labeled a criminal or put in prison, and

2) that he or she should be rehabilitated instead of punished.

In juvenile court, a person is taken into custody, rather than arrested; commits an offense rather than crime; is found delinquent rather than guilty; and receives a disposition rather than a sentence. Being found delinquent is not regarded as a criminal conviction, and confining a child to a training school is not regarded as a sentence of imprisonment.

After making a finding of delinquency, the court hears evidence on the question of the proper disposition that best serves the interests of the juvenile and the public.

Reference B (ADDITIONAL INFORMATION)

All states have laws that limit access to juvenile records. Each state law is different but they usually say that the records are not open to the public in order to protect the child. Information is made available to individuals who have a legitimate interest in the case, such as:

- the juvenile
- the juvenile's parents
- the juvenile's local guardian or custodian
- the attorney representing the juvenile
- the prosecutor
- the juvenile's guardian ad litem (guardian for the purposes of a lawsuit)
- the juvenile's probation officer

In most states, if someone not included in the above list feels that he or she has a legitimate reason to see juvenile records, that person must first request permission from the court.

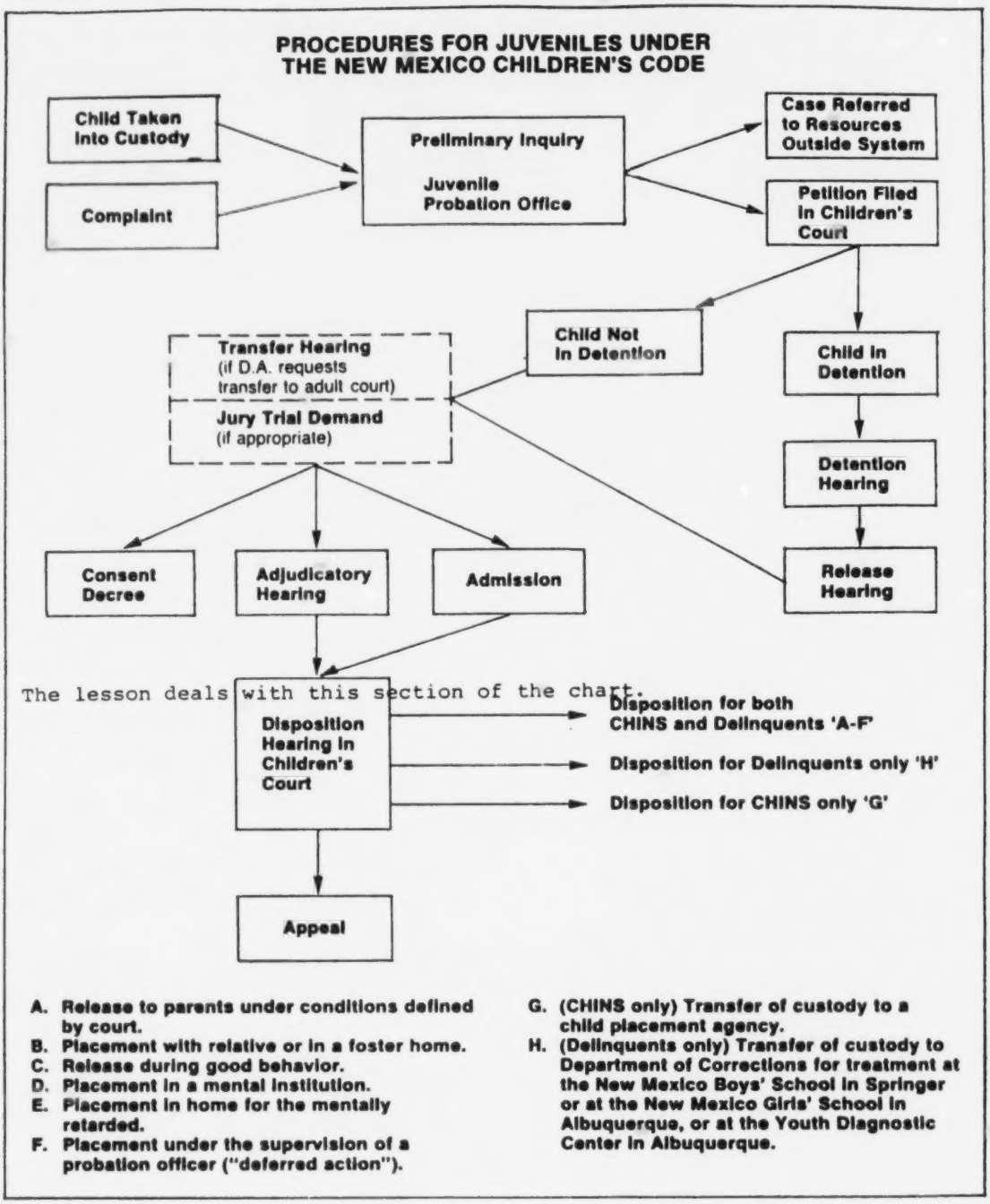
The Fifth and Fourteenth Amendments to the U.S. Constitution state that no person shall be deprived of life, liberty, or property without due process of law. Due process of law means that the law must "play fair." The law must follow rules and procedures which have been established in our system for the protection of individual rights.

In juvenile courts, some but not all of the basic rights of procedural due process apply to children who have been brought before the juvenile court. Until 1967, only general elements of due process and fair treatment were observed in juvenile proceedings. Over a 20-year period beginning with the Supreme Court decision in *In Re Gault*, the Court heard and decided many cases gradually extending most of the protections of procedural due process to juveniles.

The rights due juveniles in court proceedings include:

- Advisement of legal and constitutional rights
- Right to counsel
- Right to a speedy trial
- Notice of the charges against him/her
- Right to confront and cross-examine witnesses against him/her
- Privilege against self-incrimination
- Protection against double jeopardy
- "Beyond a reasonable doubt" standard for guilt
- A juvenile does not have an automatic right to a jury trial. Some states grant jury trials to juveniles, but the right is qualified.

From *Elementary Lessons: Citizenship Education Using LRE*, revised edition (New Mexico Bar Foundation), p. 131.


PROCEDURES FOR JUVENILES UNDER THE NEW MEXICO CHILDREN'S CODE
Child Taken into Custody
Complaint
Preliminary Inquiry
Juvenile Probation Office
Case Referred to Resources Outside System
Petition Filed in Children's Court
Child Not in Detention
Child in Detention
Transfer Hearing
(if D.A. requests transfer to adult court)
Jury Trial Demand
(if appropriate)
Detention Hearing
Consent Decree
Adjudicatory Hearing
Admission
Release Hearing
The lesson deals with this section of the chart.
Disposition Hearing in Children's Court
Disposition for both CHINS and Delinquents 'A-F'
Disposition for Delinquents only 'H'
Disposition for CHINS only 'G'
Appeal
A. Release to parents under conditions defined by court.
B. Placement with relative or in a foster home.
C. Release during good behavior.
D. Placement in a mental institution.
E. Placement in home for the mentally retarded.
F. Placement under the supervision of a probation officer ("deferred action").
G. (CHINS only) Transfer of custody to a child placement agency.
H. (Delinquents only) Transfer of custody to Department of Corrections for treatment at the New Mexico Boys' School in Springer or at the New Mexico Girls' School in Albuquerque, or at the Youth Diagnostic Center in Albuquerque.

From: *Practical Law in New Mexico* (West Publishing Co. & New Mexico Law-Related Education)

Reference D

SECOND JUDICIAL DISTRICT COURT
CHILDREN'S COURT DIVISION
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

CAUSE NO. CH-_____

IN THE MATTER OF JPO #: _____

_____,
a Child.

PROBATION AGREEMENT

I HAVE been placed on probation for committing the delinquent acts of: _____

_____

I AGREE to the following conditions of probation:

___ 1. TERM OF PROBATION: A period not to exceed [ ] 2 years. [ ] 6 months pursuant to Consent Decree.

___ 2. REPORTING: I will report in person to my probation officer at least one time each month and keep all appointments arranged by my probation officer.

___ 3. PARENTS: I will obey my parents or custodians.

___ 4. RESIDENCE: I will stay at _____ during my probation and will be under the physical custody of _____. Any stay away from this location must have prior approval by probation officer.

___ 5. SCHOOL: I will attend school with no unexcused absences in each and every class, will maintain an acceptable behavior record, and agree that my probation officer may review my school records.

___ 6. ASSOCIATES: I will not associate with persons who are noted by my probation officer, including the following _____.

___ 7. TRAVEL: I will not leave BERNALILLO COUNTY without my probation officer's permission.

___ 8. CURFEW: I will be home by _____ P.M. on Sundays through Thursdays and _____ P.M. on Fridays and Saturdays, unless accompanied by my parents. I understand that my probation officer may set different curfew hours, depending on my performance.

___ 9. COUNSELING: I will attend counseling and treatment sessions as required by my probation officer.

___ 10. DRIVING: I understand that my probation officer may restrict my driving privileges during my probationary period.

___ 11. ALCOHOL-DRUGS-WEAPONS: I will not use or possess, or be in the presence of anyone using or possessing, alcohol, drugs (including marijuana), or weapons.

___ 12. GENERAL BEHAVIOR: I will not commit any act which is forbidden by law.

___ 13. RESTITUTION: I will pay restitution on a schedule and in a manner required by my probation officer. I will be given a copy of said schedule after it is approved by the Court and filed with the court records.

___ 14. COMMUNITY SERVICE: I will perform ____ hours of work as directed by my probation officer.

___ 15. SPECIAL CONDITIONS: ( ) Attend and complete the ALCOHOL EDUCATION PROGRAM.
( ) Attend and complete the COMMUNITY CORRECTIONS PROGRAM.

I HAVE been informed and have read and understand the conditions of my probation. Any violation of these conditions will result in my arrest and the re-evaluation of my case for proper disposition.

_____
CHILD

IT IS ORDERED THAT THE ABOVE AGREED TO CONDITIONS OF PROBATION BE APPROVED AND ADOPTED.

_____
CHILDREN'S COURT JUDGE

WHITE: Court File YELLOW: JPO PINK: Child GOLD: Attorney CC 3.51-S
8/87

Correcting Corrections: Designing An Ideal Prison

Barbara C. MacDonald
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Baton Rouge, Louisiana

OVERVIEW

After learning about the history of prisons in the U.S.A. and discussing the problems of prisons today, the students will design an ideal prison that rehabilitates inmates and returns them to society able to be self sufficient. Prison projects can be done individually or in groups.

GOALS

- Students will develop an understanding of the problems in corrections today.
- Students will formulate alternatives to the present system.

AUDIENCE

Grades 6-12; special needs students.

TIME TO COMPLETE

Following a week-long study of prisons, this exercise can last from two days to two weeks, depending on how much time the students spend on it in class. It can be done in as little as one night, so know your class before you make the assignment.

MATERIALS AND OUTSIDE RESOURCES

1. Format sheet provided.
2. Current news articles about prison reform and overcrowding can be collected and discussed.
3. Field trips to local prison facilities prior to completion of the project are suggested. If a field trip is not possible, there are several good filmstrip series available (see bibliography).
4. A state corrections official or parole officer can give a good background talk about the current problems of our prison system.

PROCEDURE

After a week-long study of the problems of the present system of prisons, using field trips, filmstrips, newspaper articles, speakers, the teacher explains that the class is to develop an ideal prison that will correct the wrongs they discovered during their study.

Depending upon the age and skill level of your class, the assignment can be performed as either individual projects or as small group projects.

The format of the project is described on the attached sheet.

The students need to know that they cannot use anything that our present technology is not capable of -- force fields to restrain inmates, robot guards, etc., are not permitted.

Also, they must be told that no prison policy can violate either the U.S. Constitution (no cruel or unusual punishment) or basic human rights principles. Allow for student creativity -- a facility for white collar or federal offenders can inspire an interesting study.

BIBLIOGRAPHY

The Penal System, Xerox Corporation, 1976 (pamphlet).

At Issue: Crime and Punishment, 1983, Clearvue and Associates (3 filmstrips in the current Social Studies School Service catalog).

PROJECT FORMAT SHEET

Develop an ideal prison –
one that will correct the wrongs you have discovered in our current system.

Section 1
Purpose of the prison:
- explain who the prison is designed for (age, sex, crime);
- the number of inmates to be housed;
- the basic purpose of this prison (punishment, rehabilitation); and
- give your reasons for this.

Section 2
Supervisor/warden of the prison:
- explain the duties of the job;
- educational and personal requirements for the job;
- salary.

Section 3
Guards:
- explain the duties of guards;
- the number of inmates each guard will be responsible for;
- educational requirements of the job;
- special training necessary;
- salary.

Section 4
Housing:
- describe the housing facilities (suites, dorms, cells) and their furnishings;
- include what personal property the inmates will be allowed to have.

Option: you may draw this instead.

Section 5
Security system:
- explain the control mechanisms in the prison (bars, barbed wire fences, armed guards) that will be used.

This must be within the capabilities of modern technology.

Section 6
Programs to be offered:
- describe the educational and job training programs that your prison will offer;
- include any work assignments that will be made.

If you choose to offer NO programs like this, explain why.

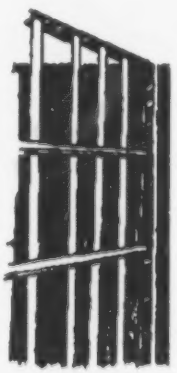
Section 7
Daily schedule for inmates:
- use an hour-by-hour format and explain what will happen from wake-up time to lights out;
- include personal time, work time, meals, and classes.

Section 8
Funding:
- explain where the money will come from to pay for the facility and its programs. You might consider using one of these: general funds from the state budget, court fines and fees, or special taxes. Will inmates who work be required to pay for room and board?

Section 9
Privileges and early release:
- how will inmates earn early release, weekend passes, or extra visitation hours? If you will allow no early release, you must explain the reasons for this.

Section 10
Mechanics:
- creative cover design;
- neatness (typed or written in ink);
- composition of the booklet, logical organization.

Bonus points: You may make a detailed diagram of the entire prison on poster paper or construct a model of a typical cell/dorm in your prison. Value: 25-50 points.



EVALUATION SHEET: PRISON PROJECT

Name: _____

Hour: _____

Date turned in: _____ On time? __yes __no Penalty: _____

_____/20 1. Purpose

_____/20 2. Warden

_____/20 3. Guards

_____/20 4. Housing

_____/20 5. Security

_____/20 6. Programs

_____/20 7. Daily Schedule

_____/20 8. Funding

_____/20 9. Privileges

_____/20 10. Mechanics (cover, neatness, composition)

_____

_____

_____/200 Total Project Grade

_____ +Bonus (Diagram or Model)

_____ Final Total

Comments: _____

_____

_____

_____

_____

Don't Put Yourself In Danger

Malcolm W. Moore, Jr.
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Decatur, Illinois

OVERVIEW
Fewer stories are better known by young children than "Little Red Riding Hood." This lesson allows the students to examine Red Riding Hood's actions to determine if she put herself in danger and how she could have acted more responsibly. Students will demonstrate their solutions to this problem through role playing.

GOALS
As a result of this lesson students will:

1. understand the need for following rules.

2. demonstrate how to act responsibly in a possibly dangerous situation.

3. practice thinking and decision-making skills.

AUDIENCE
Pre-kindergarten through first grade students.

TIME TO COMPLETE
Three days.

MATERIALS
1. Galdone, Paul, *Little Red Riding Hood* (New York: McGraw-Hill, 1974). (This edition is available in most libraries and is easily understood by the youngest children.)

2. Supplies to make mask puppets of Red Riding Hood and the Wolf.

A. One eight-inch-wide paper plate per student.

B. One tongue depressor per student.

C. Construction paper and patterns to make one puppet per child. *(Artwork for the patterns by Carol Bruce -- permission to duplicate has been given.)*

D. Scissors.

E. Glue.

F. Crayons.

PROCEDURE

Day One
Introduce and read *Little Red Riding Hood*, then discuss students' favorite parts.

Day Two
Using paper plates, tongue depressors, construction papers, patterns, scissors, crayons, and glue, each student will create a mask puppet of Red Riding Hood or the Wolf.

Day Three

A. The teacher tells the students they will again share *Little Red Riding Hood*, but this time students should look for danger in the story.

B. The teacher reads story to children again.

C. After reading, the teacher asks students where they found danger.

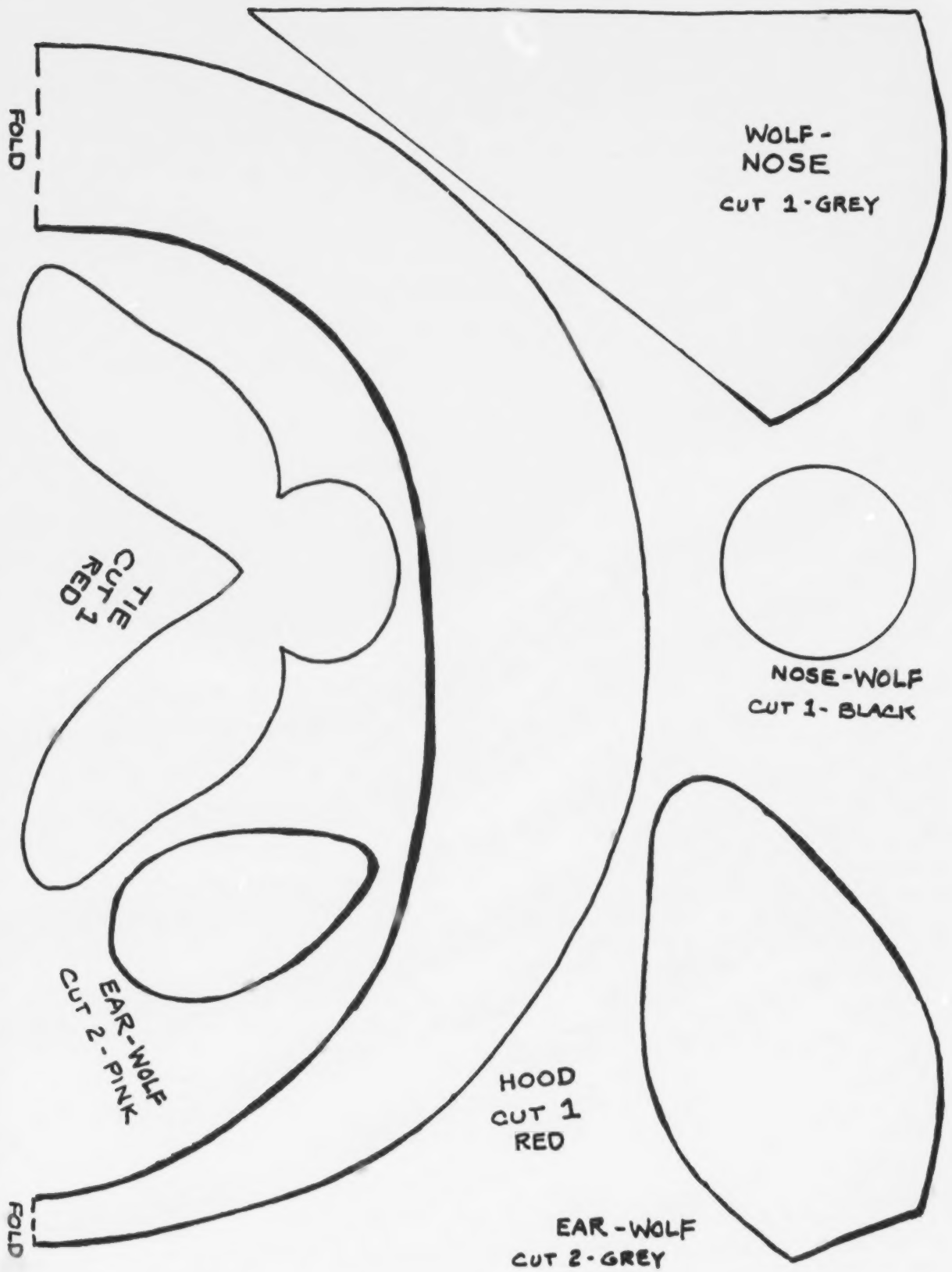
D. After discussing the ideas, the teacher redirects the students to those points of the story identified by students. At this point, the teacher asks the students if Red Riding Hood could have acted in a different way to avoid or lessen the danger.

E. Following the discussion on each point above, the teacher will direct pairs of students in acting out their solutions. Each student should participate in role playing, although each does not need to be involved in every situation.

F. The final point of discussion would be why Red Riding Hood had so many problems. Discussion should center on her failure to follow rules, and how she reacted to strangers (the wolf).

Optional Day Four

Students and the teacher use what they have learned on the previous day, to "rewrite" a safer *Little Red Riding Hood*. This could be done as a chart story, or students could act out the story.


FOLD
WOLF -
NOSE
CUT 1 - GREY
TIE
CUT
RED 1
NOSE - WOLF
CUT 1 - BLACK
EAR - WOLF
CUT 2 - PINK
HOOD
CUT 1
RED
EAR - WOLF
CUT 2 - GREY
FOLD

Guidelines for Conducting A Moot Court On International Humanitarian Law

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OVERVIEW
A Moot Court debate is an ideal strategy for discussing hypothetical issues of international law, particularly if you involve resource people to help formulate the issues on each side. It is not a mock trial; instead it resembles a debate. Most Moot Courts argue from evidence and decisions of a lower trial court; however, this case is designed to be heard before the International Court of Justice, consisting of written and oral arguments based on a set of facts set forth in memorials from each of two litigant countries.

This model was devised for a workshop co-sponsored by the American Red Cross and is a perfect example of a law-related program working with a community group and law school students and faculty. The Red Cross provided a facility and background information on the Geneva Conventions, and the University of Connecticut law school faculty and students prepared the briefs and put on the debate for the students. The State LRE program devised follow-up questions and background materials for students' participation following the debate. The following procedure is an idea of how one might use this material in a classroom.

GOALS
Students will become familiar with the debate-like format of hearings in the International Court of Justice while developing their oral and written "persuasive" communication skills.

AUDIENCE
Grades 10-12.

TIME TO COMPLETE
Varies according to the amount of time available to devote to the lesson.

PROCEDURE

1. State the question:

   "Must Ruritania repatriate prisoners of war and should Euphoria be allowed to destroy private property to protect its internal security?"

2. Divide students into groups and assign tasks. There are a number of ways to divide the students into groups, but essentially you will need a group of eight or nine students as court justices who will be responsible for writing individual opinions, one group who will write a brief to support one litigant country and one group who will support the opposing litigant country. If you are using a resource person -- either a law student, lawyer or other person -- you may ask him or her to preside over the debate. It may be necessary for the resource person to spend several days with the class devising the arguments.

3. Each participant will need a copy of the hypothetical. The briefs can either be used by the teacher and resource person to guide students in devising their own briefs, or given directly to students as preparation for oral arguments. There is some background information (newspaper articles, etc.) included with the packet, but you may ask students to find other information, especially about the Geneva Conventions which govern these actions. The Red Cross is an excellent resource in this area, and they usually have local chapters.

4. Each team should choose at least two students to actually present their case before the court.

5. Instructions for Judges should be available to judges and litigant teams.

INSTRUCTIONS FOR INTERNATIONAL MOOT COURT DEBATE

1. TIMING

Teams representing each of the two countries will have eight minutes to present their case based on memorials presented to the Court. (The Court has discretion to grant extra time, but normally should not exercise this prerogative.)

After the two eight minute timed arguments are completed, each side may have up to five minutes of rebuttal time. This time must be used to counter the arguments made by the other side -- no new arguments should be introduced, although new pieces of evidence to shore up your side can be introduced.

2. JUDGING

Judges should actively question litigants during their oral arguments. Litigant speakers should respond immediately to questions by the judges upon challenge. This will not change the time limits, but a judge is using an inordinate amount of that litigant's time, he/she should extend the time allotted to that team. After the teams have both presented their case and rebutted, the Justices should retire to write their decisions.

Decisions should mention the particular arguments that persuaded them, especially those that relate to the Geneva Conventions. Judges should be thoroughly prepared in the theoretical basis for those Conventions in order to make a sound decision. Each Justice will write an individual opinion.

3. DEBRIEFING

After the decisions have been announced, class participants and attorneys/judges should discuss the different decisions and the issues raised using questions included in each packet.

DISCUSSION QUESTIONS

In discussing the facts and the law in the case of *Euphoria v. Ruritania*, the following questions might provide a helpful framework:

1. Why would any country be interested in complying with the rules of the Geneva Convention? World public opinion? Domestic public opinion? Reciprocity? Belief in international law?

2. Has the war between Euphoria and Ruritania come to an end? How would you know? Legally? Factually? What difference does it make if the war has officially ended or not?

3. When should prisoners of war be repatriated? Why?

4. How far should a country be able to go in reprisals against a civilian population? Who should set the limits? The government? Other governments? Public opinion? International law?

EUPHORIA v. RURITANIA

An International Moot Court Debate on the Red Cross Conventions on International Humanitarian Law
Prepared by Peter Morgan and Professor Mark Janis of the University of Connecticut School of Law.

THE HYPOTHETICAL

War broke out between Euphoria and Ruritania. The cause was the disputed territory of Mithland which was claimed by both countries but held, at the war's beginning, by Ruritania. In fierce fighting Euphoria captured Mithland and destroyed the large part of Ruritania's military capacity.

Euphoria has unilaterally declared hostilities at an end and repatriated all of its prisoners of war to Ruritania. Ruritania has, however, refused to recognize the end of the war and has declared its intent to fight on until Mithland has been retaken. Ruritania is presently too weak to mount an effective counterattack. Ruritania has refused to repatriate its prisoners of war to Euphoria.

Ruritania still holds hundreds of Euphorian prisoners of war. World attention is centered on one Euphorian prisoner, Jonathan Keptman. Keptman, who is only 17 years old, is believed to be the youngest Euphorian soldier captured by Ruritania. He served in the Euphorian motorized infantry and was taken prisoner when his unit, one of the first into Mithland, was surrounded by the Ruritanian army in the early days of the war.

World attention has also noted that despite its military conquest of Mithland, Euphoria has found it difficult to win the hearts and minds of the people of Mithland, long accustomed to Ruritanian sovereignty. Ruritania supports pro-Ruritanian guerillas in Mithland, the Mithland Insurrectional Force (MIF).

Euphoria hopes to discourage the local population from cooperating with MIF and, among other things, to demolish houses when they are found to have been used for MIF operations. This security measure has proved to be an effective device for discouraging collaboration with MIF.

Euphoria demolishes buildings regardless of their actual ownership. Entire apartment buildings are destroyed when just one of their apartments has been linked to MIF activities. So, for example, the apartment building owned by Sally Noplace was demolished when it was discovered that, unbeknownst to her, Apartment 3G was used by MIF as an explosives hideaway. Euphoria has refused to compensate Noplace for the destruction of her building.

Eager to justify their actions to the world, Euphoria and Ruritania have agreed to submit the questions of Ruritania's holding of Jonathan Keptman and Euphoria's destruction of the building of Sally Noplace to the International Court of Justice in The Hague. Each country has prepared a Memorial setting forth its position. Each will also have an opportunity to present oral argument to the Court.

MEMORIAL OF THE GOVERNMENT OF EUPHORIA

I. RURITANIA MUST REPATRIATE JONATHAN KEPTMAN AND ALL OTHER EUPHORIAN PRISONERS OF WAR

With Mithland in the hands of its rightful sovereign, the war between Euphoria and Ruritania is at an end. Euphoria has in good faith already repatriated all Ruritanian prisoners of war. Now is the time for Ruritania to respect its obligations under the Third Red Cross Convention on International Humanitarian Law, the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949. We remind Ruritania of Article 118 of that Convention:

> Prisoners of war shall be released and repatriated without delay after the cessation of active hostilities.

As a contracting party to the Third Red Cross Convention, Ruritania is obliged by Article 1 "to respect and to ensure respect for the present Convention in all circumstances." Since active hostilities are in fact concluded, Ruritania must repatriate Jonathan Keptman and all the other Euphorian prisoners of war.

II. EUPHORIA IS PERMITTED TO DEMOLISH THE BUILDINGS OWNED BY SALLY NOPLACE AND BY OTHER MITHLANDERS IF SUCH DEMOLITIONS ARE NECESSARY TO PROTECT THE SECURITY OF MITHLAND

Euphoria, when it demolishes buildings harboring MIF terrorists, is in full compliance with the Fourth Red Cross Convention on International Humanitarian Law, the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949. Euphoria reminds Ruritania that Article 64 of that convention reads:

> The Occupying Power may, however, subject the population of the occupied territory to provisions which are essential to enable the occupying power to fulfill its obligations under the present Convention, to maintain the orderly government of the territory, and to ensure the security of the occupying power, of the members and the property of the occupying forces or administration, and likewise of the establishment and lines of communication used by them.

Security measures such as demolition have been employed on a limited basis only when necessary to maintain orderly government and ensure the security of Mithland. While the government of Euphoria regrets having to take such drastic measures as demolishing houses, such actions are necessary in order to end popular support for the terrorist movement and to restore order to Mithland.

Demolitions are specifically permitted by Article 53 of the Fourth Red Cross Convention:

> Any destruction by the occupying power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

Given the effectiveness of the terrorist organizations MIF, demolitions have proved absolutely necessary in Mithland. It is, unfortunately, occasionally necessary to demolish houses where innocent people also reside or where the owner of the premises, like Sally Noplace, has no knowledge of terrorist activities. Any other approach would give the terrorists immunity in rented apartments or houses. Our approach discourages the local population from tolerating terrorists.

MEMORIAL OF THE GOVERNMENT OF RURITANIA

I. RURITANIA IS PERMITTED TO HOLD JONATHAN KEPTMAN AND THE OTHER EUPHORIAN PRISONERS OF WAR UNTIL MITHLAND IS RESTORED TO RURITANIAN SOVEREIGNTY

Euphoria may not unilaterally declare the war to be concluded. Ruritania will fight on until Mithland is recaptured. Ruritania reminds Euphoria of Article 2 of the First Red Cross Convention on International Humanitarian Law, the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of August 12, 1949: "armed conflict ... may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them."

Ruritania has demonstrated its ability to fight on by its support of the Freedom Fighters of MIF. Ruritania is not obliged to repatriate Jonathan Keptman and the other Euphorian prisoners of war. These soldiers, once repatriated, would only take arms against MIF and the other forces of Ruritania struggling to free Mithland from Euphorian repression.

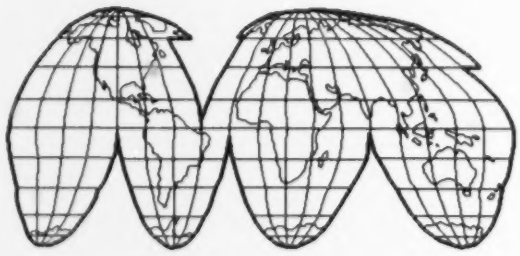
II. EUPHORIA MUST COMPENSATE SALLY NOPLACE AND CEASE DEMOLISHING BUILDINGS IN MITHLAND

Euphoria's demolition of houses in Mithland may be an effective method of terrorizing the local population, but it has no relation whatsoever to the necessities of warfare. If "military necessity" is defined so broadly, the purpose of Article 53 of the Fourth Convention would be defeated. Any property could be destroyed in the name of "military necessity."

In reality, the actions of Euphoria amount to nothing more than collective punishments and reprisals against the local population. The Fourth Convention in Article 53 clearly makes such actions unlawful:

> No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.

Euphoria demolishes houses without regard to the involvement of the owners. Buildings are destroyed regardless of whether or not the legal owner of the premises ever knew of the use of the premises by MIF Freedom Fighters. Whole apartment buildings, such as that owned by Sally Noplace, have been destroyed, forcing many innocent families to suffer. Euphoria's actions in demolishing houses are truly "measures of intimidation [and] terrorism," and are illegal.



No Way! My Parents Will Kill Me!
Determining Your Political Party

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OVERVIEW
American politics is dominated by two major political parties: Democrats and Republicans. Policy is usually determined by the party in power. Secondary students have a difficult time determining their party affiliation, if any. They are aware of sharp differences but usually don't understand what they are. This lesson allows students to determine their affiliation.

GOALS
As a result of this lesson students will:

- Be able to differentiate 16 issues confronting the Republican and Democratic parties.
- Determine whether they are in agreement with a particular party.

AUDIENCE
Grades 9-12. It can be taught in American History, Government, Civics, or Contemporary Issues.

TIME TO COMPLETE
One 50-minute class session.

MATERIALS
A sheet of paper for each student.

PROCEDURE

1. Have students divide their paper into three columns. At the top of their paper have students list each column as Group A, Group B, and Group C.

2. Place the following on the chalk board:

Issue	*Group A*	*Group B*	*Group C*

Explain to the class that you are going to discuss 16 social and political issues. They are to write the issue topic under "issue". You will then give the position of each group on the particular issue. Students are to place a check under the group they are most closely aligned with.

Example:

Issue	*Group A*	*Group B*	*Group C*
Inflation		*	
Abortion	*		

When students are ready to begin, the teacher should state the issue and then present each group's position using the Teacher's Guide.
At the conclusion of the list, students should add up their checks in each column. At this time the teacher should inform the class that Group A answers generally represent the Democratic Party position, Group B answers are generally the Republican Party position, and that Group C answers represent the Libertarian Party's position.

EVALUATION
There are several ways to evaluate this lesson.

1. Have students write a paragraph entitled: As a Republican/Democrat the most pressing American issue is _____ because _____.

2. Have students administer the survey to their family and report back to the class.

3. Facilitate a discussion using local party leaders.

TIPS FOR THE TEACHER
Students must be able to understand the issues. You might spend the previous day explaining such terms as the Federal Reserve. Some students will have scores of 8 and 8. They will ask you how they should register for voting purposes. When students are split, you might encourage them to look at the individual leaders of each party to see with whom they feel more comfortable. Each party writes a platform every four years. Write the national and state headquarters for copies.

BIBLIOGRAPHY
Clements, John, Taylor's World of Politics, November 1988.
Oklahoma Observer, Super Southern Primary Thumbnails, February 25,1988.
Libertarian Party Platform
Democratic and Republican National Platforms

Teacher's Guide

1. What should the federal government do about inflation?

A. Impose wage and price controls, as well as limit interest rates.
B. Federal Reserve Board should hold money supply at a steady rate instead of wide fluctuations.
C. Government should stop printing money, return to the gold standard, and abolish the Federal Reserve.

2. Should abortion be legal?

A. It is a woman's right.
B. It is murder and should be a crime.
C. The government should stay out of this issue, neither imposing criminal penalties nor forcing anyone to subsidize another's abortion.

3. Should prayer be allowed in public school?

A. No. It violates the separation of church and state.
B. Yes. Our founding fathers did not intend the First Amendment to deny children the right to pray in school.
C. The government should not be operating the schools so there would not be a problem with this issue.

4. Should children be required to attend school?

A. Yes, otherwise poor parents would not be able to afford equal education.
B. Yes, children should be educated in order to compete in business and with foreign nations.
C. No. It violates the rights of parents who should be able to decide for themselves on educational programs.

5. Should the U.S. government send aid to other countries?

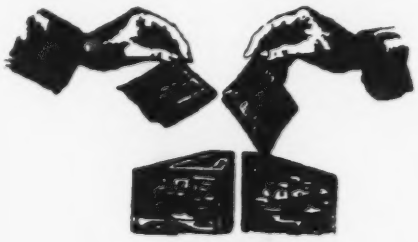
A. Yes, to help the poor and to have a good human rights record.
B. Yes, to help those governments that are trying to resist communism.
C. No. American taxpayers should have their money go to America.

6. Should the government intervene militarily in other countries?

A. Yes, to advance human rights.
B. Yes, to contain communism.
C. No. The U.S. government should not intervene in the affairs of other countries.

7. Should there be a military draft?

A. Only in time of war.
B. Yes. Elimination of a draft sends the wrong message to our potential enemies.
C. The draft is slavery. Never, ever under any circumstances.



8. Should the minimum wage be raised?

A. Yes, to keep up with the cost of living.
B. No, it eliminates jobs and hurts business.
C. There should be no minimum wage. It should not be a function of our government.

9. Attitude toward marijuana.

A. Reduce penalties for its use, but not those who sell it.
B. Severe penalties for those who use and sell it.
C. Use, possession, and sale should have no penalty because it does not violate anyone's rights.

10. Should the government help U.S. businesses through hard times?

A. Yes. It will save jobs of workers.
B. Yes. Business is the foundation of America.
C. No. Never steal from the taxpayer to subsidize others.

11. Should immigration barriers be maintained?

A. We need to let in as many as possible especially those escaping from violations of human rights.
B. Maintain the gates because the U.S. can't assimilate them and they many times work against the American way.
C. Let anyone come. All humans have the right to seek opportunity as long as they are responsible for themselves.

12. Attitude toward home school.

A. Parents would teach bigotry, and unscientific doctrine rather than one that stresses equality.
B. Public schools are not doing a good job.
C. Government should not be involved in education. It should be a parental responsibility.

13. Should gun ownership be prevented or restricted?

A. Yes. No one but law enforcement and military really needs guns.
B. Americans have the right and the need to own most guns, but some should be limited.
C. Ownership of guns does not violate anyone's rights. Ownership of guns should never be subject to restriction.

14. Should an Equal Rights Amendment for women be added to the U.S. Constitution?

A. Yes. the states aren't doing the job.
B. No. Women already have equal rights.
C. No amendment is necessary. Women not treated equally should seek judicial recourse.

15. How should we deal with the budget deficit?

A. Raise taxes and reduce military spending.
B. Leave taxes alone or reduce them and reduce social spending.
C. Reduce all government spending. Confine government to national defense and the protection of constitutional rights from violations by state and local governments.

16. What should we do to improve the Federal Income Tax?

A. Close the loopholes for the wealthy so they pay as much as everyone else.
B. Establish rates that will be an incentive to produce more.
C. Abolish the Federal Income Tax and replace it with voluntary financing.

Planning Guide for Guest Speakers

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Have you ever had a guest speaker in a class and had the entire presentation bomb? Your exciting personality comes in and offers a funny joke or two, then proceeds to say, "I really didn't prepare any formal remarks: I'm much more interested in just responding to your questions."

After a few expected student questions, the rest of the class period drags by like none in recent memory. This lesson plan is an attempt to prevent such a disaster. It is a planning guide to make guest speaker days not only educational but enjoyable for students and teachers alike.

OVERVIEW
This guide is designed to assist instructors in making guest speaker days in the classroom more educational and more enjoyable.

GOALS
As a result of this lesson, guest speakers will be more adequately prepared to address students. In addition, they will be prompted to bring materials and ideas which will interest students, and in the process, make their presentations more exciting.

AUDIENCE
The ideas included in the lesson could be adapted to any grade level. Specific examples in the lesson are for use at the 11th and 12th grade level.

MATERIALS
No special materials or resources are necessary.

REFLECTIONS ON THE LESSON
Before I made use of this method, guest speaker days were often less than desirable. After adopting this formalized approach to using guest speakers, such days have increased in value tremendously. The best aspect of the approach is that it can be adapted for any grade level and for any class.

PLANNING GUIDE FOR GUEST SPEAKERS
When considering the use of a guest speaker in a classroom a teacher should remember that if the guest speaker were a professional educator, he or she would most likely be teaching! Even the most dynamic and colorful personality often does not know how to present information to students.

Consequently, it is the job of the instructor to guide the guest speaker's presentation. If this is not done, sooner or later a guest speaker will show up with no presentation at all, and simply ask for student questions. Such days are often of little educational value.

If an instructor wishes to guarantee a more effective learning situation, it is essential to plan for one. The first step is obviously to do some personal background research on the guest speaker. The teacher can prepare students and pique their interest, perhaps even encourage more student involvement and questions. This is something most instructors do already. Unfortunately, while teachers do prepare their students, seldom do they prepare their guests. This is equally important.

There are two key principles here. First of all, information about the class should be communicated to the guest... how many students, what age level, what have they already studied about the subject matter, etc. Oversimplified and elementary information will be avoided, and so, too, will overly complicated and technical jargon be avoided.

Secondly, and more importantly, prepared discussion questions should be sent to the guest speaker well in advance of the speaking date. This will allow the guest to get a good "feel" for the kinds of topics the student-listeners should hear about. Four different examples of such preliminary discussion question sheets are included, one for a guest police officer, one for a prosecuting attorney, one for a defense attorney, and one for a judge.

POLICE OFFICER DISCUSSION QUESTIONS

1. Please describe your professional background and training.

2. What are the job qualifications and training standards for employment of police officers in the city. What are the state requirements? Do you have to continue to update your education periodically?

3. Tell what law enforcement is like as a career. What are the original job opportunities? What is the chance of advancement? What about job security? What are the special advantages and disadvantages of the job compared to other jobs you have held?

4. Explain how the city police department is organized and managed.

5. Explain what a typical week of duty is like. How many contacts will you likely have with individual citizens? How many arrests will you likely make?

6. Take us through the step-by-step process of a single traffic stop and investigation for M.I.P. and/or D.U.I. Specifically deal with field sobriety tests, breath tests, and the implied consent law.

7. What differences are there in procedures when you handle juvenile suspects and prisoners? For example, assume you arrest two individuals in a robbery, one is 18, and one is 16.

8. Comment on the use of force by police. Have you ever taken out your gun? Have you ever used it? Under what conditions would you have drawn your weapon or used it? What other types of force are available to the policeman and under what conditions may he use force. For example, tell how you would remove a belligerent drunk and disorderly person from a crowded bar.

9. Comment on alcohol and drug use in the community.

10. Feel free to discuss any specific case or other topic not mentioned above.

SPECIAL NOTE:
It is always interesting to students to actually experience the "things" you deal with; if possible, please bring along some examples of equipment you use (such as the alco-sensor/breathalyzer, handcuffs, nightstick, etc.) Also if there are copies of police-written forms you deal with, such as accident reports, affidavits for search warrants, etc., these are particularly interesting for students to see.

PROSECUTING ATTORNEY DISCUSSION QUESTIONS

1. Explain your personal and professional background. Tell how you got your current job. How large is your staff? How heavy is the workload? How many criminal cases would you typically handle in a month's time? How many trials?

2. Explain the steps your office goes through in a criminal case. Differentiate between a petty offense and a serious felony case.

3. Do you feel the way that we currently select prosecutors is a good one? Do you feel there are better methods? How much of a role does politics play in securing positions?

4. Comment on the pressures faced by your office. What kinds of demands are placed on you by law enforcement officers? by judges? by citizens? by the media?

5. Do you feel time and money pressure to plea-bargain? What other reasons are there for plea-bargaining cases? Explain various methods of plea-bargaining. What impact do the following factors have on plea-bargains: seriousness of the charge? publicity? record of the defendant? if there is a defense attorney and who he/she is?

6. What are your personal feelings about the use of plea-bargaining. Do you think it is necessary? Does it serve justice? What would happen if it were prohibited?

7. If you feel comfortable doing so, please comment on the job done by current police officers, judges, attorneys, and probation officers in our community.

8. Again, if you feel comfortable doing so, please comment on the sentencing practices of local judges.

9. Feel free to talk about any case, issue, or topic you would like.

10. If possible, please bring some of the court documents with which you deal, e.g. complaints, subpoenas, warrants, jury selection documents, P.S.I.'s etc.

CRIMINAL DEFENSE ATTORNEY DISCUSSION QUESTIONS

1. Please describe your personal and professional background.

2. Explain what you do when you are first contacted by an individual charged with a crime. What are the differences between handling serious versus petty offense cases?

3. In serious cases, how is bail usually handled? Do you ever attempt to arrange bail for clients? What kinds of arguments do you make to the judge concerning bail?

4. Discuss the system of arranging counsel for indigent defendants. How is it done locally? What other possibilities are there elsewhere? Which system do you feel is best?

5. What reasons might there be to refuse to defend someone?

6. Explain how plea-bargaining usually works in the local court. Is it different for petty offenses than it is for serious ones?

7. How are you affected in a case when you strongly believe the defendant is guilty? Are you more likely to urge him/her to plea-bargain?

8. If you feel that your client might perjure himself/herself on the stand what can you do about it?

9. Explain how you go about preparing to question prospective jurors. What kinds of things in their answers are you looking for?

10. Comment on how we select our local prosecutors and judges. Are there better methods?

11. Explain how convicted persons are sentenced and what usually happens to them after sentencing.

12. Feel free to talk about any specific case or any other aspect of criminal law you would like to.

SPECIAL NOTE: It would prove helpful if you could bring some official court forms along to pass around (jury notices, subpoenas, pre-sentence investigations, court orders, etc.)

JUDGE DISCUSSION QUESTIONS

1. Please describe your personal and professional background. How long have you been an attorney? a judge?

2. Explain the work of your court. What is the typical caseload in any week? What kinds of cases does your court have jurisdiction over? How many trials occur? What types of criminal sentences are typical in various criminal cases (or damage awards in various civil cases)?

(3-7 are for judges with criminal jurisdiction:)

3. Explain the arraignment process, as handled in your courtroom. What differences exist between felony and misdemeanor cases?

4. Explain bail. Do you set a formal "bail schedule?" What factors affect bail decisions?

5. Discuss the process of plea-bargaining and how it affects your decision-making.

6. Explain how requests for appointed counsel are handled. Would you ever grant the request of a particular person to represent a particular defendant?

7. Discuss sentencing in general. Explain the differences between mandatory and discretionary sentencing, and between determinate and indeterminate sentencing.

(8-9 are for judges with civil jurisdiction:)

8. What are some examples of the kinds of cases you handle regularly? (Contracts, torts, divorce, property, bankruptcy, etc.) What is a tort? What is negligence?

9. How does someone file a complaint to initiate court action? Is an attorney required?

10. How are juries selected? What is voir dire?

11. Discuss the reasons for delays and backlogs in our judicial system. How are appeals made?

12. Comment on how we select state and local judges in this state.

13. Explain how the public may make complaints about the judicial system in this state.

14. Please feel free to talk about any specific case or other aspect of the law that may interest students.

SPECIAL NOTE: It might be helpful to students if you could bring some court forms such as subpoenas, jury forms, sentencing forms, warrants.

APPENDIX

Excerpts from several different countries' constitutions are included in this appendix as additional resources for teachers who wish to expand their students' comparative law studies beyond the scope of the original lesson plans.

The material in this appendix appears in its entirety in a comprehensive series of lessons and worksheets written by Stanley T. Holmes, III, a teacher at Alta High School in Sandy, Utah. The series was published under the title, *American Focus on World Constitutions*, under the sponsorship of the Utah Endowment for the Humanities. The original source for the text of the Iranian constitution is the multi-volume publication, *Constitutions of the Countries of the World*, edited by A.P. Blaustein and G.H. Flanz (Oceana Publications, Inc.: Dobbs Ferry, NY). Mr. Holmes' lessons are now available through the National Repository on Teacher-Developed Lessons on the Law and the Constitution at the Center for Research and Development in Law-Related Education at Wake Forest University. For more information, contact the Center at 1-800-437-1054.

The co-editor of the above-referenced compilation of constitutions is Albert P. Blaustein, Professor of Law at Rutgers Law School in Camden, New Jersey. Professor Blaustein was one of the faculty members at CRADLE's 1990 Summer institutes and is renowned as an expert on international constitutionalism. He has also prepared a series of audiocassettes entitled, "Constitutions of the World." For more information, contact the Knowledge Products Customer Service Center, Box 305151, Nashville TN 37230.

Excerpts from...

Canada's Constitution Acts, 1867 to 1982 208
The Political Constitution of Chile 210
The Constitution of the People's Republic of China 212
The French Constitution 214
The Constitution of India 216
The Constitution of the Islamic Republic of Iran 218
The Constitution of Japan 222
The Constitution of Mexico 225
The National Assembly of the Republic of Nicaragua 228
The Constitution of the Republic of the Philippines 231
Constitution of the Union of Soviet Socialist Republics 233
The First Ten Amendments to the United States Constitution 236

(Note: Excerpts from Cuba's Constitution appear on page 51.)

Excerpts from Canada's Constitution Acts, 1867 to 1982

Part I Schedule B
Canadian Charter of Rights and Freedoms

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

1. The *Canadian Charter of Rights and Freedoms* guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

2. Everyone has the following fundamental freedoms:
(a) freedom of conscience and religion;
(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
(c) freedom of peaceful assembly; and
(d) freedom of association.

Democratic Rights

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

4. (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.
(2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and a legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.

5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

Mobility Rights

6. (1) Every citizen of Canada has the right to enter, remain in and leave Canada. (2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right (a) to move to and take up residence in any province; and (b) to pursue the gaining of a livelihood in any province. (3) The rights specified in subsection (2) are subject to (a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and (b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided social services. (4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

8. Everyone has the right to be secure against unreasonable search or seizure.

9. Everyone has the right not to be arbitrarily detained or imprisoned.

10. Everyone has the right on arrest or detention (a) to be informed promptly of the reasons therefor; (b) to retain and instruct counsel without delay and to be informed of that right; and (c) to have the validity of the detention determined by way of *habeas corpus* and to be released if the detention is not lawful.

11. Any person charged with an offence has the right... (a) to be informed without unreasonable delay of the specific offence; (b) to be tried within a reasonable time; (c) not to be compelled to be a witness in proceedings against that person in respect of the offence; (d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal; (e) not to be denied reasonable bail without just cause; (f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment; (g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal

according to the general principles of law recognized by the community of nations; (h) if finally acquitted of the offence, not to be tried for it again and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and (i) if found guilty of the offense and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

12. Everyone has the right not to be subjected to any cruel and unusual treatment or punishment.

13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Equality Rights

15. (1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. (2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Official Languages of Canada

16. (1) English and French are the official languages of Canada and have equality of status and equal rights and privileges as to their use in all institutions of the Parliament and government of Canada....

Minority Language Educational Rights

23. (1) Citizens of Canada (a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or (b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province, have the right to have their children receive primary and secondary school instruction in that language in that province....

Enforcement

24. (1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all the circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.

General

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and (b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claims settlement.

26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons....

Excerpts from the Political Constitution of Chile March 11, 1981

CHAPTER III Constitutional Rights and Obligations

Article 19. The Constitution guarantees to all persons:

1. The right to life and to the physical and psychic wellbeing of the individual. The law protects the life of those about to be born. The death penalty may only be instituted for a crime established by law approved by a qualified quorum. Use of all illegal pressure is prohibited.

2. Equality before the law. In Chile there are no privileged persons or groups. In Chile there are no slaves, and he who sets foot on this territory becomes free. Neither the law nor any authority may establish arbitrary differences.

3. Equal protection under law in the exercise of their rights. Every person has the right to legal defense in the manner provided by law and no authority nor individual may impede, restrict or perturb the proper appearance of an attorney, should it have been sought.... The law will provide the means whereby legal counsel and defense may be given to those who may be unable to obtain them on their own. No one may be judged by special commissions, but only by the tribunal provided by law, and provided such tribunal has been established prior to the enactment of said law. Every sentence decreed by a court vested with jurisdiction must be based upon prior legal proceedings.... The law may not presume *de jure* criminal responsibility. No crime shall be subject to penalties other than those prescribed by a law enacted prior to the perpetration of the crime, except in cases where new legislation favors the interested party. No law may establish penalties without the conduct that is being penalized being expressly described in it.

4. Respect for and protection of private and public life and the honor of the individual or his family....

5. The inviolability of the home and all forms of private communication. The home may be searched and private communications and documents intercepted, opened or inspected only in the cases and in means provided by law.

6. Freedom of conscience, manifestation of all creeds and the free exercise of all cults which are not opposed to morals, proper usages and public order. Religious establishments may erect and maintain churches and their dependencies in accordance with the conditions of safety and hygiene established by laws and ordinances....

7. The right to personal freedom and individual security. Consequently:

a) Every person has the right to live and remain in any place in the Republic, move from one location to another, and enter and leave the national territory on condition that the norms established by law are respected and provided that third parties are not injured.

b) No one may be deprived of his personal freedom nor may such freedom be restricted except for the cases in the manner determined by the Constitution and law.

c) No one may be arrested or detained unless on an order of a public official expressly empowered by law to that effect and provided such an order has been communicated in the manner prescribed by law. However, an individual caught in the act of committing a crime may be detained provided that he be brought, within the following 24 hours, before the competent judge. Should the authority order the arrest or detention of an individual, the competent judge must be notified, within 48 hours following the arrest or detention, and the individual is to be place at his disposition. For probable cause, the judge may extend this period to five days and, in instances where the facts under investigation are described by the law as terrorist acts, such period may be extended to ten days.

d) No one may be arrested or detained, held under preventive arrest or in prison, except in his home or public premises established for that purpose....

e) Release on bail shall apply unless the judge considers the detention or preventive imprisonment as necessary for investigation proceedings, or for the security of the victim of the offense or of society....

f) In criminal cases the defendant cannot be obliged to testify under oath as to his own deeds; neither may there be obliged to testify against him his ancestors, descendants, spouse nor any other persons who, according to cases or circumstances, should be specified by law.

g) The penalty of confiscation may not be imposed except for seizure in the circumstances determined by law; but such a penalty will apply with respect to illicit associations.

h) The loss of social security rights may not be imposed as a penalty, and

i) Once a definitive stay of proceeding has been decreed, or when an absolute sentence is pronounced, the person subjected to trial or sentenced in any process as the result of a decision which the Supreme Court declares unjustifiably erroneous or arbitrary, shall have the right to be indemnified by the State for proprietary and moral losses which he may have suffered....

8. The right to live in an environment free from contamination....

9. The right to protection of health. The State protects the free and equal access to facilities for the promotion, protection and recovery of health and rehabilitation of the individual....

10. The right to education. The objective of education is the complete development of the individual in the various stages of his life. Parents have the prime right and duty to educate their children. The State shall provide special protection for the exercise of this right. Basic education is mandatory....

11. Freedom of teaching includes the right to open, organize and maintain educational establishments. Freedom of education has no other limitations than those imposed by morals, proper usages, public order and national security. Officially recognized education cannot be directed towards propagating any partisan political tendency. Parents have the right to choose the educational establishment for their children....

12. Freedom to express opinions and to disseminate information without prior censorship in any form and by any means, notwithstanding assumption of responsibility for any crimes or abuses committed in the exercise of such liberties, in conformity with law, which must be approved by a qualified quorum. In no case may the law establish a state monopoly over the media of mass communication.... The law shall establish a system of censorship for the exhibition and publicity of motion picture production and will set the general norms governing public expression of other artistic activities.

13. The right to assemble peacefully and unarmed, without prior permission. Meetings in squares, streets and other public places shall be ruled by general police regulations.

14. The right to submit petitions to the authorities with reference to any matter of public or private interest, with no limitation other than the requirement to submit such petitions in a respectful and appropriate manner.

15. The right to associate without prior authorization. In order to have juridical personality, associations must be organized in accordance with law. No one can be obliged to belong to an association. Associations contrary to moral standards, public order and Security of the State are prohibited....

16. Freedom to work and its protection. Every person has the right to free undertaking and free selection of his work, for proper compensation. Any discrimination not based on personal competence or fitness is prohibited, provided however that the law may require Chilean citizenship or set age limits in certain cases....

17. Admission to all public positions and employments with no requirements other than those imposed by the Constitution and the law.

18. The right to social security....

19. The right to affiliation with unions in the cases and in the manner prescribed by law....

20. Equal distribution of taxes in proportion to individual income or in progression or the manner established by law....

21. The right to develop any economic activity which is not contrary to morals, public order or national security, abiding by the legal norms which regulate it....

22. No arbitrary discrimination in the treatment that the State and its organisms must provide in economic matters....

23. Freedom to acquire ownership over all types of property except that which nature has made common to all men or which should belong to the entire Nation, and that the law so declares....

Excerpts from The Constitution of the People's Republic of China December 4, 1982

Article 1
The People's Republic of China is a socialist state under the people's democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People's Republic of China. Sabotage of the socialist system by any organization or individual is prohibited.

Article 2
All power in the People's Republic of China belongs to the people. The organs through which people exercise state power are the National People's Congress and the local people's congresses at different levels. The people administer state affairs and manage economic, cultural and social affairs through various channels and in various ways in accordance with the law....

Article 4
All nationalities in the People's Republic of China are equal.... Discrimination against and oppression of any nationality are prohibited; any acts that undermine the unity of the nationalities or instigate their secession are prohibited....

Article 5
...No organization or individual may enjoy the privilege of being above the Constitution and the law....

Article 10
Land in the cities is owned by the state. Land in the rural and suburban areas is owned by collectives except for those portions which belong to the state in accordance with the law; house sites and privately farmed plots of cropland and hilly land are also owned by collectives.... No organization or individual may appropriate, buy, sell or lease land, or unlawfully transfer land in other ways. All organizations and individuals who use land must make rational use of the land....

Article 13
The state protects the right of citizens to own lawfully earned income, savings, houses and other lawful property. The state protects by law the right of citizens to inherit private property....

Article 19
...The state promotes the nationwide use of Putonghua (Common Speech based on Beijing pronunciation)....

Article 21
The state develops medical and health services, promotes modern medicine and traditional Chinese medicine, encourages and supports the setting up of various medical and health facilities by the rural economic collectives.

Chapter Two
The Fundamental Rights and Duties of Citizens

Article 33
All persons holding the nationality of the People's Republic of China are citizens of the People's Republic of China. All citizens of the People's Republic of China are equal before the law. Every citizen enjoys the rights and at the same time must perform the duties prescribed by the Constitution and the law.

Article 34
All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of nationality, race, sex, occupation, family background, religious belief, education, property status, or length of residence, except persons deprived of political rights according to law.

Article 35
Citizens of the People's Republic of China enjoy freedom of speech, of the press, of assembly, of association, of procession and of demonstration.

Article 36
Citizens of the People's Republic of China enjoy freedom of religious belief. No state organ, public organization or individual may compel citizens to believe in, or not to believe in, any religion. The state protects normal religious activities. No one may make use of religion or engage in activities that disrupt public order, impair the health of citizens or interfere with the educational system of the state. Religious bodies and religious affairs are not subject to foreign domination.

Article 37
The freedom of person of citizens of the People's Republic of China is inviolable. No citizen may be arrested except with the approval... of a people's procuratorate or by decision of a people's court, and arrests must be made by a public security organ. Unlawful deprivation or restriction of citizens' freedom of person by detention or other means is prohibited; and unlawful search of the person of citizens is prohibited.

Article 38
The personal dignity of citizens of the People's Republic of China is inviolable. Insult, libel, false charge or frame-up directed against citizens by any means is prohibited.

Article 39
The home of citizens of the People's Republic of China is inviolable. Unlawful search of, or intrusion into, a citizen's home is prohibited.

Article 40
The freedom and privacy of correspondence of citizens of the People's Republic of China are protected by law. No organization or individual may, on any ground, infringe upon citizens' freedom and privacy of correspondence except in cases where, to meet the needs of state security or of investigation into criminal offences, public security or procuratorial organs are permitted to censor correspondence in accordance with procedures prescribed by law.

Article 41
Citizens of the People's Republic of China have the right to criticize and make suggestions to any state organ or functionary....

Article 42
Citizens of the People's Republic of China have the right as well as the duty to work. Using various channels, the state creates conditions for employment, strengthens labour protection, improves working conditions and, on the basis of expanded production, increases remuneration for work and social benefits. Work is the glorious duty of every able-bodied citizen. All working people in state enterprises and in urban and rural economic collective should perform their tasks with an attitude consonant with their status as masters of the country....

Article 43
Working people in the People's Republic of China have the right to rest. The state expands facilities for rest and recuperation of working people, and prescribes working hours and vacations....

Article 45
Citizens of the People's Republic of China have the right to material assistance from the state and society when they are old, ill or disabled....

Article 46
Citizens of the People's Republic of China have the duty as well as the right to receive education. The state promotes the all-around moral, intellectual and physical development of children and young people.

Article 47
Citizens of the People's Republic of China have the freedom to engage in scientific research, literary and artistic creation and other cultural pursuits....

Article 48
Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural and social, including family life. The state protects the rights and interests of women, applies the principle of equal pay for equal work for men and women alike and trains and selected cadres from among women.

Article 49
Marriage, the family and mother and child are protected by the state. Both husband and wife have the duty to practice family planning. Parents have the duty to rear and educate their minor children, and children who have come of age have the duty to support and assist their parents. Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited....

Article 51
The exercise of citizens of the People's Republic of China of their freedoms and rights may not infringe upon the interests of the state, of society and of the collective, or upon the lawful freedoms and rights of other citizens....

Article 54
It is the duty of citizens of the People's Republic of China to safeguard the security, honour and interests of the motherland; they must not commit acts detrimental to the security, honour and interests of the motherland.

Article 55
It is the sacred obligation of every citizen of the People's Republic of China to defend the motherland and resist aggression. It is the honourable duty of citizens... to perform military service and join the militia in accordance with the law.

Article 56
It is the duty of citizens of the People's Republic of China to pay taxes in accordance with the law.

Excerpts from The French Constitution October 4, 1958 (Amended through Oct. 29, 1974)

Declaration of the Rights of Man and of the Citizen
Adopted by the National Assembly during the French Revolution on August 26, 1789 and reaffirmed by the Constitution of 1958.

Preamble
The Representatives of the French People, formed into a National Assembly, considering ignorance, forgetfulness or contempt of the rights of man to be the only causes of public misfortunes and the corruption of Governments, have resolved to set forth, in a solemn Declaration, the natural, inalienable and sacred rights of man, to the end that this Declaration, constantly present to all members of the body politic, may remind them unceasingly of their rights and their duties; to the end that the acts of the legislative power and those of the executive power, since they may be continually compared with the aim of every political institution, may thereby be the more respected; to the end that the demands of the citizens, founded henceforth on simple and uncontestable principles, may always be directed toward the maintenance of the Constitution and the happiness of all.

In consequence whereof, the National Assembly recognizes and declares, in the presence and under the auspices of the Supreme Being, the following Rights of Man and of the Citizen.

ARTICLE 1
All men are born and remain free, and have equal rights. Social distinctions are unjustifiable except insofar as they may serve the common good.

ARTICLE 2
The purpose of political association is to preserve the natural and inalienable rights of man, i.e., liberty, private property, the inviolability of the person, and the right to resist oppression.

ARTICLE 3
Sovereignty resides essentially in the nation as a whole; no group or individual can exercise any authority not expressly delegated to it or him.

ARTICLE 4
Liberty is the right to do anything which does not harm others. Thus, each man's natural rights are limited only by the necessity to assure equal liberty to others. Only the law can determine what restrictions must be made.

ARTICLE 5
The law can proscribe only those actions which harm society. Any action not forbidden by law cannot be disallowed, nor can anyone be forced to do what the law does not specifically command.

ARTICLE 6
Law is the overt expression of the general will. All citizens have the right to participate in legislation, either in person or through their representatives. The law must be framed to operate completely impartially. Since all are equal before the law, all are equally eligible, in accordance with their abilities, for all public offices and positions.

ARTICLE 7
No man can be indicted, arrested, or held in custody except for offenses legally defined, and according to specified procedures. Those who solicit, transmit, execute or cause to be executed arbitrary commands must be punished; but if a citizen is summoned or arrested in due legal form it is his duty to obey instantly.

ARTICLE 8
The law must impose only penalties that are obviously necessary. No one can be punished except under the correct application of an established law which must, moreover, have existed before he committed the offense.

ARTICLE 9
Everyone must be presumed innocent until he is pronounced guilty. If his arrest and detention are thought necessary, then no more force may be used than is necessary to secure his person.

ARTICLE 10
No one must suffer for his opinions, even for religious opinions, provided that his advocacy of them does not endanger public order.

ARTICLE 11
Free communication of thought and opinion is one of the most valuable rights of man; thus, every citizen may speak, write and print his views freely, provided only that he accepts the bounds of this freedom established by law.

ARTICLE 12
Some form of military or police force is necessary to guarantee the maintenance of the rights of man and of the citizen; thus, such a force exists for the benefit of all and not for... those who command it.

ARTICLE 13
To maintain the police force and to meet administrative expenses a financial levy is essential; this must be borne equally by all citizens, in accordance with their individual means.

ARTICLE 14
All citizens have the right to decide, either personally or through their representative, the necessity of a financial levy and their free assent to it must be obtained. They can appropriate it, and decide its extent, duration, and assessment.

ARTICLE 15
Society has the right to require of every public official an account of his administration.

ARTICLE 16
A society in which rights are not guaranteed, and in which there is no separation of powers, has no constitution.

ARTICLE 17
Since the right to private property is sacred and inviolable no one can be deprived of it except in certain cases legally determined to be essential for public security; in such cases a fair indemnity must first of all be granted.

CONSTITUTION OF THE FRENCH REPUBLIC OF OCTOBER 27, 1954

PREAMBLE
On the morrow of the victory of the free peoples over the regimes that attempted to enslave and degrade the human person, the French people proclaim once more that every human being, without distinction as to race, religion or creed, possesses inalienable and sacred rights. They solemnly reaffirm the rights and freedoms of man and of the citizen ordained by the Declaration of Rights of 1789 and the fundamental principles recognized by the laws of the Republic.

They further proclaim as most vital to our time the following political, economic and social principles:

- The law shall guarantee to women equal rights with men, in all domains.
- Anyone persecuted because of his activities in the cause of freedom shall be entitled to the right of asylum within the territories of the Republic.
- Everyone shall have the duty to work and the right to obtain employment. No one may suffer in his work or his employment because of his origin, his opinions or his beliefs.
- Everyone may defend his rights and interests by trade-union action and may join the union of his choice.
- The right to strike may be exercised within the framework of the laws that govern it.
- Every worker, through his delegates, may participate in collective bargaining to determine working conditions, as well as in the management of the enterprise.
- All property and all enterprises that now have, or subsequently shall have, the character of a national public service or of a monopoly in fact, must become the property of the community.
- The Nation shall ensure to the individual and to the family the conditions necessary to their development.
- The Nation shall guarantee to all, and particularly to the child, the mother and the aged worker, protection of health, material security, rest and leisure. Any individual who, because of his or her age, his or her physical or mental condition, or because of the economic situation, shall find himself or herself unable to work shall have the right to obtain from the community the means for a decent existence.
- The Nation shall proclaim the solidarity and equality of all the French people with respect to burdens resulting from national disasters.
- The Nation shall guarantee equal access of children and adults to education, professional training and culture. The establishment of free, secular, public education on all levels shall be a duty of the State.
- The French Republic, faithful to its traditions, shall abide by the rules of international public law. It shall not undertake wars of conquest and shall never use force against the freedom of any people.
- Faithful to her traditional mission, France shall guide the peoples for whom she has assumed responsibility toward freedom to govern themselves and toward the democratic administration of their own affairs; rejecting any system of colonization based upon arbitrary power, she shall guarantee to all equal access to public office and the individual or collective exercise of the rights and liberties hereinabove proclaimed or confirmed.

Excerpts from The Constitution of India

PART III
Fundamental Rights
General

12. Definition -- In this Part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India....

Right to Equality

14. Equality before law -- The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

15. Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth -- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to -- (a) access to shops, public restaurants, hotels and places of public entertainment; or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. (3) Nothing in this article shall prevent the State from making any special provision for women and children. (4) Nothing in this article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.

16. Equality of opportunity in matters of public employment -- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State....

17. Abolition of Untouchability -- "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of "Untouchability" shall be an offence punishable in accordance with law.

18. Abolition of titles -- (1) No title, not being a military or academic distinction, shall be conferred by the State....

Right to Freedom

19. Protection of certain rights regarding freedom of speech, etc. -- (1) All citizens shall have the right -- (a) to freedom of speech and expression; (b) to assemble peaceably and without arms; (c) to form associations or unions; (d) to move freely throughout the territory of India; (e) to reside and settle in any part of the territory of India; and (f) [removed]; (g) to practice any profession, or to carry on any occupation, trade or business.

...Nothing in sub-clause (a)... (b)... (c)... (d)... (e)... (g)... of Clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of the sovereignty and integrity of India....

20. Protection in respect of conviction for offenses -- (1) No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at the time of the commission of the offence. (2) No person shall be prosecuted and punished for the same offence more than once. (3) No person accused of any offence shall be compelled to be a witness against himself.

21. Protection of life and personal liberty -- No person shall be deprived of his life or personal liberty except according to procedure established by law.

22. Protection against arrest and detention in certain cases -- (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice. (2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate. (3) Nothing in clauses (1) and (2) shall

apply -- (a) to any person who for the time being is an enemy alien; or (b) to any person who is arrested or detained under any law providing for preventive detention. (4) No law providing for preventive detention shall authorize the detention of a person for a longer period than three months unless -- (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention;...

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose....

Right Against Exploitation

23. Prohibition of traffic in human beings and forced labor -- (1) Traffic in human beings and *begar* and other similar forms of force labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with law. (2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes....

24. Prohibition of employment of children in factories, etc. -- No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Right to Freedom of Religion

25. Freedom of conscience and free profession, practice and propagation of religion -- (1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion. (2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law -- (a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice; (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus....

Cultural and Educational Rights

29. Protection of interests of minorities -- (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same. (2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them....

34. Restriction on rights conferred by this Part while martial law is in force in any area -- ...Parliament may by law indemnify any person in the service of the Union or of a State or any other person in respect of any act done by him in connection with the maintenance or restoration of order in any area within the territory of India where martial law was in force or validate any sentence passed, punishment inflicted, forfeiture ordered or other act done under martial law in such area....

51-A. Fundamental duties -- It shall be the duty of every citizen of India -- (a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem; (b) to cherish and follow the noble ideals which inspired our national struggle for freedom; (c) to uphold and protect the sovereignty, unity and integrity of India; (d) to defend the country and render national service when called upon to do so; (e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practice derogatory to the dignity of women; (f) to value and preserve the rich heritage of our composite culture; (g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures; (h) to develop the scientific temper, humanism and the spirit of inquiry and reform; (i) to safeguard public property and to abjure violence; (j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

Excerpts from The Constitution of the Islamic Republic of Iran
In the Name of God the Merciful and the Beneficent
24 of Aban, 1358 of the Solar Year (1)

Translated by Dr. Changi Vafai

Article 1
The Government of Iran is an Islamic Republic, approved by the nation in the referendum of the 10th and 11th of the month of Farvardin, in the solar year 1358, and with the approval of 98.2% of the eligible voters. It is based upon the nation's time-honored belief in the necessity for a government founded on truth and Koranic justice, and follows the victorious Islamic Revolution led by His Eminence and Supreme Holiness Imam Khomeini.

Article 2
The Islamic Republic is a system based on belief in: (1) One God (There is no God but one) and the exclusive sovereignty of God, the acceptance of His rule and the necessity of obeying His commands. (2) Divine Revelation and its fundamental role in expressing His laws. (3) Resurrection and its constructive role in the evolution of mankind leading toward God. (4) The Justice of God in creation and in Divine Law. (5) The Imamate and the continuous leadership and its basic role in giving strength and endurance to the Islamic Revolution. (6) The compassion of human beings and in their great worth.

These aims are to be achieved through: (a) judgment made on a continuous basis by the eminent clergy, based on the book of traditions of the Saints, may God's blessing be upon them. (b) the utilization of advances in science, technology, and knowledge, and efforts to improve them. (c) the prohibition of all kinds of oppression, or acceptance of oppression; the prohibition of domination or acceptance of domination.

Justice, as well as political, economic, social and cultural, and national independence will be secured through these concepts.

Article 3
The Islamic Republic of Iran, in order to attain the goals mentioned in Article 2, shall employ every possible means to achieve the following:

(1) Creation of an environment favorable to the development of moral virtues, based on faith, piety, and the struggle against corruption and vice in any form.

(2) Raising the level of public awareness in all fields, by a correct use of the press, the mass media and other means.
(3) Free education and physical training for all at all levels, and providing facilities for the expansion of higher education....
(7) Securing political and social freedom within the limits of the law.
(8) Participation of all the people in the determination of their political, economic, and social and cultural destiny.
(9) Elimination of unfair discrimination, and creation of just opportunities for all, in all material and spiritual fields....
(12) Laying the groundwork for a sound and just economy, based on Islamic principles, aimed at promoting the welfare of all the people, the elimination of poverty and of all kinds of deprivations of food, housing, employment, health and general social insurance....
(14) Securing every human right for both men and women, and establishing judicial security for all based on justice and the equality of all before the law....
(16) Adoption of a foreign policy based in Islamic principles, brotherly commitment to all Moslems, and unsparing support for the oppressed people of the world.

Article 4
All civil, penal, financial, economic, administrative, cultural, military, political, laws and regulations, as well as any other laws or regulations, should be based in Islamic principles....

Article 5
Until the appearance of the Saint of the Agnes, may God hasten his appearance, in the Islamic Republic of Iran the Mandate for state affairs for the Imamate of the Islamic community will be given to a just, spiritual, up-to-date, courageous, efficient, prudent person who is a member of the clergy and is recognized by the majority of the people as their leader. Should no member of the clergy be recognized by the majority as leader, the leader or council of leaders, consisting of members of the clergy who meet the requirements mentioned above,... shall assume the role of Mandatory....

Article 9
In the Islamic Republic of Iran, freedom, independence, unity and the territorial integrity of

the country are inseparable from each other and preserving them is the duty of the Government and the people. No individual, or group, or authority shall in the name of freedom harm in any way the political, cultural, economic, or military independence and territorial integrity of Iran, and no authority shall limit legal freedoms, even by enacting laws and regulations on the excuse of preserving the independence and territorial integrity of the country.

Article 10
The family being the fundamental unit of the Islamic society, all laws, regulations, and programs which pertain to it shall facilitate the establishment of the family and the stability of family relationships, based in Islamic laws and moral concepts....

Article 12
The official religion of Iran is Islam, and the sect followed in Jafari Shi'ism and this Article is unalterable. Other Islamic denominations, such as Hanfi, Shafi'i, Haliki, Hanbali, and Zaydi, shall enjoy complete respect....

Article 13
The Iranian Zoroastrians, Jews and Christians are the only recognized minorities, who, within the limits of the law, are free to perform their own religious rites, and who, in matters relating to their personal affairs and teachings, may act in accordance with their religious regulations.

Article 14
According to the Koran,... the Islamic Republic of Iran and Moslems shall treat non-Moslems according to the dictates of virtue and Islamic justice, and to honor their human rights. This principle will be applicable only to those who do not become involved in conspiracies and activities which are anti-Islamic or are against the Islamic Republic of Iran....

Article 19
The people of Iran, regardless of their ethnic, family and tribal origins, shall enjoy equal rights. Color, race, language and the like shall not be cause for privilege.

Article 20
All citizens of the nation, whether men or women, are equally protected by the law. They also enjoy human, political, economic and cultural rights according to Islamic standards.

Article 21
The Government shall guarantee the rights of women in all areas according to Islamic standards and shall provide for the following: (1) The creation of an environment favorable to the personal growth of women, and to the restoration of their material and spiritual rights. (2) Protection of mothers, especially during pregnancy and the child rearing period, as well as the protection of children without guardians....

Article 22
The dignity, life, property, rights, shelter, and employment of individuals are immune from encroachment except in cases prescribed by law.

Article 23
The interrogation of people regarding their beliefs is forbidden. No person shall be attacked for his beliefs.

Article 24
Publications and the press may express ideas freely, except when they are contrary to Islamic principles, or are detrimental to public rights....

Article 25
Opening and reading, and failing to deliver letters, recording and divulging telephone conversations, revealing telegraph and telex messages, exercising censorship, refusing to communicate messages, tapping and such prying is forbidden, unless ordered by law.

Article 26
Parties, groups, political and professional associations, as well as Islamic or recognized minority religious associations are permitted, provided they do not violate principles of independence, freedom, and national unity, or which are contrary to the principles of Islam or the Islamic Republic. No one shall be prevented from participating in these groups or be forced to join any of them.

Article 27
Unarmed assemblies and marches are permitted provided they do not violate the principles of Islam.

Article 28
Every person has the right the choose the profession he wishes, provided it is not contrary to the principles of Islam, to the public interest or to the rights of others....

Article 29
Social insurance, or aid in other forms,... is a public right....

Article 30
The Government shall provide everyone with free education and training through high school level....

Article 31
A suitable dwelling, according to need, is the right of every Iranian person and family....

Article 32
No one shall be arrested except when permitted by law and in accordance with proper legal procedures. The accused shall be notified immediately of the nature of the accusation against him in written form so that he understands it. Within a maximum of 24 hours, the preliminary file shall be submitted to the appropriate judicial authorities. Preliminaries to the trial shall be completed without delay....

Article 33
No one shall be banished from his residence, nor be banned from the place of his choosing, nor forced to reside in a particular location not of his choosing, except as determined by law.

Article 34
Every individual has the absolute right of recourse to competent courts in order to seek justice....

Article 35
The parties to any litigation shall have the right to legal representation in all courts of justice; if the parties to litigation are not able to select an attorney, legal representation shall be provided for them.

Article 36
A sentence can only be pronounced and conferred by a competent court and in accordance with the law.

Article 37
An individual is presumed innocent unless proven guilty by a competent court.

Article 38
Any form of torture to obtain confession or acquire information is forbidden. No one shall be forced to testify, confess, or take an oath and such testimony, confession and taking of an oath obtained by force is null and void....

Article 39
Violating in any way the dignity and honor of a person who has been seized, detained, imprisoned, or exiled in accordance with the law, is forbidden under any circumstance....

Article 40
No one may assert his right in order to harm another or to infringe upon the public interest....

Article 46
Everyone shall enjoy the benefits of his legitimate business and labor and no one may, because he is the owner (of a particular type of business), deprive others of the opportunity to do the same job.

Article 47
Personal property obtained through legitimate means is respected....

Article 49
The Government shall confiscate wealth derived from usury, extortion, bribery, embezzlement, theft, gambling;....

Article 50
Protecting the environment in which the present generation lives and in which future generations will develop socially is considered a public responsibility in the Islamic Republic. Therefore, economic activities, and other activities which may pollute the environment or destroy it irrevocably, shall be forbidden....

Article 91
For the purpose of safeguarding the principles of Islam and the Constitution and to avoid any conflict between these principles and the laws of the Assembly, a Council of Guardians will be formed consisting of: (1) Six members of the clergy who are just, are knowledgeable in Islamic jurisprudence, and aware of the needs of the times. The selection of these persons will be made by the Leader of the Council of Guardians. (2) Six lawyers from various branches of law, from among Moslem lawyers, who have been introduced to the National Assembly by the Supreme Council for the Judiciary....

Excerpts from the Shari'a (Islamic Law)

From the Koran:

Chapter 2 (v.190) - "And fight in God's cause against those who wage war upon you; but do not commit aggression; verily God does not love aggressors."

Chapter 50 (v.228) - "And women shall have rights similar to the rights against them, according to what is equitable, But men have a degree [of advantage] over them..."

Chapter 52 (v. 254) - "Those who reject Faith -- they are the wrongdoers."

Chapter 62 (v.15) - "If any of your women are guilty of lewdness,... confine them to houses until death do claim them."

Chapter 62 (v.16) - "If two men among you are guilty of lewdness, punish them both. If they repent and amend, leave them alone."

Chapter 72 (v.38) - "As to the thief. Male or female, cut off his or her hands: a punishment by way of example, from God, for their crime."

From Sayings of the Prophet Mohammed:

"All men are equal, like the tooth of a comb."

"Hearing and obeying are the duty of a Muslim both regarding what he likes and what he dislikes, as long as he is not commanded to perform an act of disobedience to God, in which case he must neither hear nor obey." [Hadith]

"You have rights over your wives and they have rights over you. You have the right that they should not defile your bed and that they should not behave with open unseemliness. If they do, God allows you to put them in separate rooms and to beat them, but not with severity."

Excerpts from The Constitution of Japan
November 3, 1946

We, the Japanese people, acting through our duly elected representatives in the National Diet, determined that we shall secure for ourselves and our posterity the fruits of peaceful cooperation with all nations and the blessings of liberty throughout this land, and resolved that never again shall we be visited with the horrors of war through the action of government, do proclaim that sovereign power resides with the people and do firmly establish this Constitution. Government is a sacred trust of the people, the authority for which is derived from the people, the powers of which are exercised by the representatives of the people, and the benefits of which are enjoyed by the people. This is a universal principle of mankind upon which this Constitution is founded. We reject and revoke all constitutions, laws, ordinances and rescripts in conflict herewith.

We, the Japanese people, desire peace for all time and are deeply conscious of the high ideals controlling human relationship, and we have determined to preserve our security and existence, trusting in the justice and faith of the peace-loving peoples of the world. We desire to occupy an honored place in an international society striving for the preservation of peace, and the banishment of tyranny and slavery, oppression and intolerance for all time from the earth. We recognize that all peoples of the world have the right to live in peace, free from fear and want.

We believe that no nation is responsible to itself alone, but that laws of political morality are universal: and that obedience to such laws is incumbent upon all nations who would sustain their own sovereignty and justify their sovereign relationship with other nations.

We, the Japanese people, pledge our national honor to accomplish these high ideals and purposes with all our resources.

CHAPTER I. THE EMPEROR

ARTICLE 1. The Emperor shall be the symbol of the State and of the unity of the people, deriving his position from the will of the people with whom resides sovereign power.

ARTICLE 2. The Imperial Throne shall be dynastic and succeeded to in accordance with the Imperial House Law passed by the Diet.

ARTICLE 3. The advice and approval of the Cabinet shall be required for all acts of the Emperor in matters of state, and the Cabinet shall be responsible therefor.

ARTICLE 4. The Emperor shall perform only such acts in matters of state as are provided for in this Constitution and he shall not have powers related to government. The Emperor may delegate the performance of his acts in matters of state as may be provided by law.

ARTICLE 5. When, in accordance with the Imperial House Law, a Regency is established, the Regent shall perform his acts in matters of state in the Emperor's name. In this case, paragraph one of the preceding article will be applicable.

ARTICLE 6. The Emperor shall appoint the Prime Minister as designated by the Diet. The Emperor shall appoint the Chief Judge of the Supreme Court as designated by the Cabinet.

ARTICLE 7. The Emperor, with the advice and approval of the Cabinet, shall perform the following acts in matters of state on behalf of the people:

- Promulgation of Amendments of the constitution, laws, cabinet orders and treaties.
- Convocation of the Diet.
- Dissolution of the House of Representatives.
- Proclamation of general election of members of the Diet.
- Attestation of the appointment and dismissal of Ministers of State and other officials as provided for by law, and of full powers and credentials of Ambassadors and Ministers.
- Attestation of general and special amnesty, commutation of punishment, reprieve, and restoration of rights.
- Awarding of honors.
- Attestation of instruments of ratification and other diplomatic documents as provided for by law.
- Receiving foreign ambassadors and ministers.
- Performance of ceremonial functions.

ARTICLE 8. No property can be given to, or received by, the Imperial House, nor can any gifts be made therefrom, without the authorization of the Diet.

CHAPTER II. RENUNCIATION OF WAR

ARTICLE 9. Aspiring sincerely to an international peace based on justice and order, the Japanese people forever renounce war as a sovereign right of the nation and the threat or use of force as means of settling international disputes. In order to accomplish the aim of the preceding paragraph, land, sea, and air forces, as well as other war potential, will never be maintained. The right of belligerency of the state will not be recognized.

CHAPTER III. RIGHTS AND DUTIES OF THE PEOPLE

ARTICLE 10. The conditions necessary for being a Japanese national shall be determined by law.

Article 11. The people shall not be prevented from enjoying any of the fundamental human rights. These fundamental human rights guaranteed to the people by this Constitution shall be conferred upon the people of this and future generations as eternal and inviolate rights.

ARTICLE 12. The freedoms and rights guaranteed to the people by this Constitution shall be maintained by the constant endeavor of the people, who shall refrain from any abuse of these freedoms and rights and shall always be responsible for utilizing them for the public welfare.

ARTICLE 13. All of the people shall be respected as individuals. Their right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs.

ARTICLE 14. All of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin. Peers and peerage shall not be recognized. No privilege shall accompany any award of honor, decoration or any distinction, nor shall any such award be valid beyond the lifetime of the individual who now holds or hereafter may receive it.

ARTICLE 15. The people have the inalienable right to choose their public officials and to dismiss them. All public officials are servants of the whole community and not of any group thereof. Universal adult suffrage is guaranteed with regard to the election of public officials.

In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made.

ARTICLE 16. Every person shall have the right of peaceful petition for the redress of damage, for the removal of public officials, for the enactment, repeal or amendment or laws, ordinances or regulations and for other matters; nor shall my person be in any way discriminated against for sponsoring such a petition.

ARTICLE 17. Every person may sue for redress as provided by law from the State or a public entity, in case he has suffered damage through illegal act of any public official.

ARTICLE 18. No person shall be held in bondage of any kind. Involuntary servitude, except as punishment for crime, is prohibited.

ARTICLE 19. Freedom of thought and conscience shall not be violated.

ARTICLE 20. Freedom of religion is guaranteed to all. No religious organization shall receive any privileges from the State, nor exercise any political authority. No person shall be compelled to take part in any religious act, celebration, rite or practice. The State and its organs shall refrain from religious education or any other religious activity.

ARTICLE 21. Freedom of assembly and association as well as speech, press and all other forms of expression are guaranteed. No censorship shall be maintained, nor shall the secrecy of any means of communication be violated.

ARTICLE 22. Every person shall have freedom to choose and change his residence and to choose his occupation to the extent that it does not interfere with the public welfare. Freedom of all persons to move to a foreign country and to divest themselves of their nationality shall be inviolate.

ARTICLE 23. Academic freedom is guaranteed.

ARTICLE 24. Marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis. With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce..., laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes.

ARTICLE 25. All people shall have the right to maintain the minimum standards of wholesome and cultured living....

ARTICLE 26. All people shall have the right to receive an equal education correspondent to their ability, as provided by law....

ARTICLE 27. All people shall have the right and the obligation to work. Standards for wages, hours, rest and other working conditions shall be fixed by law. Children shall not be exploited.

ARTICLE 28. The right of workers to organize and to bargain and act collectively is guaranteed.

ARTICLE 29. The right to own or to hold property is inviolable. Property rights shall be defined by law, in conformity with the public welfare. Private property may be taken for public use upon just compensation therefor.

ARTICLE 30. The people shall be liable to taxation as provided by law.

ARTICLE 31. No person shall be deprived of life or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law.

ARTICLE 32. No person shall be denied the right of access to the courts.

ARTICLE 33. No person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offense with which the person is charged, unless he is apprehended, the offense being committed.

ARTICLE 34. No person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel.

ARTICLE 35. The right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33. Each search or seizure shall be made upon separate warrant issued by a competent judicial officer.

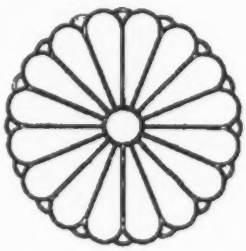
ARTICLE 36. The infliction of torture by any public officer and cruel punishments are absolutely forbidden.

ARTICLE 37. In all criminal cases the accused shall enjoy the right to a speedy and public trial by an impartial tribunal. He shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense. At all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State.

ARTICLE 38. No person shall be compelled to testify against himself. Confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence. No person shall be convicted or punished in cases where the only proof against him is his own confession.

ARTICLE 39. No person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy.

ARTICLE 40. Any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law.



Excerpts from The Constitution of Mexico 1917, As amended through 1972

Title I, Chapter I
Individual Guarantees

Article 1. Every person in the United Mexican States shall enjoy the guarantees granted by this Constitution, which cannot be restricted or suspended except in such cases and under such conditions as are herein provided.

Article 2. Slavery is forbidden in the United Mexican States. Slaves who enter national territory from abroad shall, by this act alone, recover their freedom and enjoy the protection afforded by the laws.

Article 3. The education imparted by the Federal State shall be designed to develop harmoniously all the faculties of the human being and shall foster in him at the same time a love of country and a consciousness of international solidarity, in independence and justice....

Article 4. No person can be prevented from engaging in the profession, industrial or commercial pursuit, or occupation of his choice, provided it is lawful....

Article 5.1 No one can be compelled to render personal services without due remuneration and without his full consent, excepting labor imposed as a penalty by the judiciary....

Only the following public services shall be obligatory, subject to the conditions set forth in the respective laws: military service and jury service as well as the discharge of the office of municipal councilman and office of direct or indirect popular election.... The State cannot permit the execution of any contract, covenant, or agreement having for its object the restriction, loss or irrevocable sacrifice of the liberty of man, whether for work, education, or religious vows. The law, therefore, does not permit the establishment of monastic orders, whatever be their denomination or purpose....

Article 6. The expression of ideas shall not be subject to any judicial or administrative investigation, unless it offends good morals, infringes the rights of others, incites to crime, or disturbs the public order.

Article 7. Freedom of writing and publishing writings on any subject is inviolable. No law or authority may establish censorship, require bonds from authors or printers, or restrict the freedom of printing, which shall be limited only by the respect due to private life, morals, and public peace. Under no circumstances may a printing press be sequestrated as the instrument of the offense....

Article 8. Public officials and employees shall respect the exercise of the right of petition, provided it is made in writing and in a peaceful and respectful manner....

Article 9. The right to assemble or associate peaceably for any lawful purpose cannot be restricted; but only citizens of the Republic may do so to take part in the political affairs of the country. No armed deliberative meeting is authorized. No meeting or assembly shall be deemed unlawful which has for its object the petitioning of any authority or the presentation of a protest against any act; nor may it be dissolved, unless insults be proffered against said authority or violence is resorted to, or threats are used to intimidate or compel such authority to render a favorable decision.

Article 10.1 The inhabitants of the United Mexican States are entitled to have arms in their possession in their homes for their protection and legitimate defense, except such as are expressly forbidden by law, or which the nation may reserve for the exclusive use of the army, navy, air force or national guard. Federal law shall determine the ... conditions, requirements and places in which inhabitants may be authorized to carry arms.

Article 11. Everyone has the right to enter and leave the Republic, to travel through its territory and to change his residence without necessity of a letter of security, passport, safe-conduct or any other similar requirement....

Article 12. No titles of nobility, or hereditary or prerogatives or honors shall be granted in the United Mexican States, nor shall any effect be given to those granted by other countries.

Article 13. No one may be tried by private laws or special tribunals. No person or corporate body shall have privileges or enjoy emoluments other than those given in compensation for public services and which are set by law. Military jurisdiction shall be recognized for the trial of crime against any violation of military discipline, but the military tribunals shall in no case have

jurisdiction over persons who do not belong to the army....

Article 14. No law shall be given retroactive effect to the detriment of any person whatsoever.

No person shall be deprived of life, liberty, property, possessions, or rights without a trial by a duly created court in which the essential formalities of procedure are observed and in accordance with laws issued prior to the act.

In criminal cases no penalty shall be imposed by mere analogy or by a prior evidence. The penalty must be decreed in a law in every respect applicable to the crime in question.

In civil suits the final judgement shall be according to the letter or the juridical interpretation of the law; in the absence of the latter it shall be based on the general principles of law....

Article 16. No one shall be molested in his person, family, domicile, papers, or possessions except by virtue of a written order of the competent authority stating the legal grounds and justification for the action taken. No order of arrest or detention shall be issued against any person other than by the competent judicial authority, and unless same is preceded by a charge, accusation, or complaint for a credible party or by other evidence indicating the probable guilt of the accused; in cases of *flagrante delicto*, any person may arrest the offender and his accomplices, turning them over without delay to the nearest authorities. Only in urgent cases instituted by the public attorney without previous complaint or indictment and when there is no judicial authority available, may the administrative authorities, on their strictest accountability, order the detention of an accused person, turning him over immediately to the judicial authorities. Every search warrant, which can be issued only by judicial authority and which must be in writing, shall specify the place to be searched, the person or persons to be arrested, and the objects sought, the proceedings to be limited thereto, at the conclusion of which a detailed statement shall be drawn up in the presence of two witnesses proposed by the occupant of the place searched, or by the official making the search in his absence should he refuse to do so.

Administrative officials may enter private homes for the sole purpose of ascertaining whether the sanitary and police regulations have been complied with, and may demand to be shown the books and documents required to prove compliance with fiscal rulings....

Article 17. No one may be imprisoned for debts of a purely civil nature. No one may take the law into his own hands, or resort to violence in the enforcement of his rights. The courts shall be open for the administration of justice at such times and under such conditions as the law may establish; their services shall be gratuitous and all judicial costs are, accordingly, prohibited.

Article 18.1 Arrest is permissible only for offenses punishable by imprisonment. The place of detention shall be completely separate from the place used for the serving of sentences....

Article 19. No detention shall exceed three days without a formal order of commitment, which shall state the offense with which the accused is charged; the substance thereof; the place, time and circumstances of its commission; and the facts brought to light in the preliminary examination. These facts must be sufficient to establish the corpus delicti and the probable guilt of the accused....

Any ill-treatment during arrest or confinement; any molesting without legal justification; any exaction or contribution levied in prison are abuses which shall be punishable by law and repressed by the authorities.

Article 20. In every criminal trial the accused shall enjoy the following guarantees:

I. He shall be freed on demand and on furnishing bail which shall be fixed by the judge, according to his status and the gravity of the offense with which he is charged, provided, however, that such offense is not punishable with more than five years' imprisonment....

II. He may not be forced to be a witness against himself: wherefore denial of access or other means tending to this end is strictly prohibited.

III. He shall be publicly notified within 48 hours after being turned over to the judicial authorities of the name of his accuser and the nature of and cause for the accusation, so that he may be familiar with the offense with which he is charged, reply thereto and make a preliminary statement.

IV. He shall be confronted with the witnesses against him, who shall testify in his presence if they are to be found in the place where the trial is held, so that he may cross examine them in his defense.

V. All witnesses and other evidence which he may offer shall be heard in his defense... he shall furthermore be assisted in securing the presence of the persons whose testimony he may request, provided they are to be found at the place where the trial is held.

VI. He shall be entitled to a public trial by a judge or jury of citizens who can read and write and are also residents of the place and district where the offense was committed, provided the penalty for such offense exceeds one year's imprisonment....

VII. He shall be furnished with all information on record which he may request for his defense.

VIII. He shall be tried within four months, if charged with an offense whose maximum penalty does not exceed two years' imprisonment; and within one year, if the maximum penalty is greater.

IX. He shall be heard in his own defense, either personally or by counsel, or by both, as he may desire. Should he have no one to defend him, a list of official counsel shall be submitted to him, in order that he may choose one or more to act in his defense. If the accused does not wish to name any counsel for his defense, after being called upon to do so at the time of his preliminary examination, the court shall appoint his counsel for the defense. The accused may name his counsel immediately upon arrest, and shall be entitled to have him present at every stage of the trial: but he shall be obliged to make him appear as often as required by the court.

X. In no event may imprisonment or detention be extended through failure to pay counsel fees or for any other monetary obligation, on account of civil liability, or for other similar cause. Nor shall detention be extended beyond the time set by law as the maximum for the offense charged....

Article 22. Punishment by mutilation and infamy, branding, flogging, beating with sticks, torture of any kind, excessive fines, confiscation of property and any other unusual or extreme penalties are prohibited.... Capital punishment for political offenses is likewise prohibited; as regards other offenses, it can only be imposed for high treason committed during a foreign war, parricide, murder that is treacherous, premeditated, or committed for profit, arson, abduction, highway robbery, piracy, and grave military offenses.

Article 23. No criminal trial shall have more than three instances. No person, whether accused or convicted, can be tried twice for the same offense....

Article 24. Everyone is free to embrace the religion of his choice and to practice all ceremonies, devotions, or observances of his respective faith, either in places of public worship or at home, provided they do not constitute an offense punishable by law. Every religious act of public worship must be performed strictly inside places of public worship, which shall at all times be under governmental supervision.

Article 25. Sealed correspondence sent through the mail shall be exempt from search and its violation shall be punishable by law.

Article 26. No member of the army shall in time of peace be quartered in private dwellings without the consent of the owner, nor may he impose any obligation whatsoever. In time of war the military may demand lodging, equipment, provisions, and other assistance, in the manner laid down in the respective martial law.

Article 27. Ownership of the lands and waters within the boundaries of the national territory is vested originally in the Nation, which has had, and has, the right to transmit title thereof to private persons, thereby constituting private property. Private property shall not be expropriated except for reasons of public use and subject to payment of indemnity.

Excerpts from the National Assembly of the Republic of Nicaragua
Political Constitution
January 9, 1987

Rights, Duties and Guarantees of the Nicaraguan People

CHAPTER I

Article 23
The right to life is inviolable and inherent to all persons. There is no death penalty in Nicaragua.

Article 24
All persons have duties to their families, the community, the Homeland and humanity. The rights of each person are limited by the rights of others, the collective security and the just requirements of the common good.

Article 25
All persons have the rights to:
1. personal freedom;
2. security;
3. seek legal redress.

Article 26
All persons have the right to:
1. privacy and the privacy of their family;
2. the inviolability of their home, correspondence, and communications;
3. respect for their honor and reputation.

A private home may be searched only with a warrant from a competent judge or expressly authorized official to prevent a crime from being committed or to avoid damage to persons or goods, in accordance with the procedures established by law. The law shall determine the cases and the procedures for an examination of private documents, fiscal records and related documents, when such is indispensable for the investigation of matters before the Courts or for fiscal reasons. Illegally seized letters, documents and other private papers shall be null and void in legal proceedings or elsewhere.

Article 27
All persons are equal before the law and have the right to equal protection under the law. There shall be no discrimination for reasons of birth, nationality, political belief, race, gender, language, religion, opinion, national origin, economic position or social condition....

Article 29
All persons have the right to freedom of conscience and thought and to profess or not to profess a religion. No one shall be the object of coercive measures which diminish these rights, or be obligated to declare his or her creed, ideology or beliefs.

Article 30
Nicaraguans have the right to freely express their beliefs in public or private, individually or collectively, in oral, written or any other form.

Article 31
Nicaraguans have the right to travel and to establish their residence in any part of the nation and to freely enter and exit the country....

Article 33
No one may be arbitrarily detained or imprisoned, or be deprived of liberty except in cases established by law and in accordance with legal procedures.... Therefore:... [A]n individual may be detained only by a warrant issued from a competent Judge or an official expressly authorized by law, except when apprehended in the act of committing a crime.... [A]ll detained persons have the right to be:... [I]nformed in detail without delay of the reasons for their detention and the charges against them, in a language they understand; to have their family informed; and to be treated with respect in accordance with the dignity inherent in human beings... [B]rought before a competent legal authority within 72 hours....

Article 34
All those awaiting trial have equal rights to the following minimum guarantees:... To be presumed innocent until proven guilty according to the law... To be tried without undue delay by a competent court established by law.... To be guaranteed the right to a defense, to participate personally from the start of the proceedings and to adequate time and means to prepare their defense.... To be represented by a public defender when legal counsel has not been selected by the time of the first hearing, or in the event that no prior call was decreed. The accused shall have the right to communicate freely and in private with his or her legal counsel.... Not to be obligated to testify against themselves or against a spouse or a partner in a stable *de facto* union, or a family member within the fourth level of consanguinity or the second of marital relations, or to admit their own guilt... To be found guilty or not guilty within the legal time period, by each of the relevant courts... To have the right to appeal to a superior court upon conviction of any crime and not to be retried for any crime for which a final judgment of conviction or acquittal has been issued... Not to be brought to trial or sentenced for acts or omissions which at the time committed had not been unequivocally established by Law as a punishable crime, and not to be given a sentence which has not been previously established by law.

Criminal proceedings are open to the public, but in some cases the press and the general public may be excluded for moral considerations or for... public order or national security....

Article 36
All persons shall have the rights to respect for their physical, psychological and moral integrity. No one shall be subjected to torture, nor inhumane, cruel or degrading treatment....

Article 38
The law is not retroactive except in penal matters that favor the accused....

Article 40
No one shall be subjected to involuntary servitude. Slavery and slave trade in any form are prohibited.

Article 41
No one shall be detained for indebtedness....

Article 42
Nicaragua guarantees asylum to those persecuted for their struggle for democracy, peace, justice and human rights....

Article 43
Extradition from Nicaragua will not be permitted for political crimes or common crimes committed in conjunction with them, at Nicaragua's own discretion....

Article 44
Nicaraguans have the right to the personal property and necessary goods that is essential for the integral development of each person.

Article 45
Persons whose constitutional rights have been violated or are in danger of violation have the right to present writs of *habeas corpus* or *amparo*, according to the circumstances and the Law of Amparo (a legal procedure for the review of administrative acts).

Article 46
All persons in Nicaragua shall enjoy protection and recognition by the state of the rights inherent to human beings, as well as unrestricted respect, promotion and protection of human rights....

CHAPTER II
POLITICAL RIGHTS

Article 47
All Nicaraguans who have reached 16 years of age are full citizens....

Article 48
Unconditional equality among Nicaraguans in the enjoyment of political rights is established. In the exercise of these rights and in the fulfillment of these responsibilities and rights and in the fulfillment of these responsibilities and obligations, there exists absolute equality between men and women....

Article 52
Citizens have the right, individually or collectively, to petition, to denounce irregularities and to make constructive criticisms to the branches of government or to any authority, and to obtain a quick resolution or response and to have the result made known within the time period established by law.

Article 53
The right to peaceful assembly is recognized; the exercise of this right does not require prior permission.

Article 54
The right to public assembly, demonstration and mobilization in conformity with the law is recognized.

Article 55
Nicaraguan citizens have the right to organize or affiliate with political parties with the objective of participating in, exercising or vying for power....

CHAPTER III
SOCIAL RIGHTS

Article 58
Nicaraguans have the right to education and culture.

Article 59
Every Nicaraguan has an equal right to health care....

Article 60
Nicaraguans have the right to live in a healthy environment and it is the obligation of the state to preserve, conserve and reclaim the environment and the natural resources of the country.

Article 61
The state guarantees Nicaraguans the right to social security for protection against the social contingencies of life and work, in the manner and conditions determined by law.

Article 62
The state shall strive to establish programs for the physical, psycho-social and professional rehabilitation of disabled people, and for their job placement.

Article 63
It is the right of all Nicaraguans to be protected against hunger....

Article 64
Nicaraguans have the right to decent, comfortable and safe housing that guarantees familial privacy....

Article 65
Nicaraguans have the right to sports, physical education, relaxation, and recreation....

Article 66
Nicaraguans have the right to accurate information. This right includes the freedom to seek, receive and disseminate information and ideas, be they spoken or written, in graphic or any other form.

Article 67
The right to provide information is a social responsibility and shall be exercised with strict respect for the principles established in the Constitution. This right cannot be subject to censorship, but may be subject to retroactive liability established by law.

Article 68
The mass media is at the service of national interests. The state shall promote the access of the public and its organizations to the means of communication, and shall prevent the media from responding to foreign interests or to any economic power monopoly. The existence and functioning of public, corporate or private means of communication shall not be the object of prior censorship. It shall be subject to the law.

Article 69
All persons, either individually or collectively, have the right to practice their religion in public or private, through worship, practice and teaching.

Article 70
No one may disobey the law or prevent others from exercising their rights and fulfilling their duties by invoking religious beliefs or inclination.

CHAPTER IV
FAMILY RIGHTS

Article 70
The family is the fundamental nucleus of society and has the right to protection by society and the state....

Article 72
Marriage and stable *de facto* unions are protected by the state; they rest on the voluntary agreement between a man and a woman, and may be dissolved by mutual consent or by the will of one of the parties, as provided by law.

Article 73
Family relations rest on respect, solidarity and absolute equality of rights and responsibilities between the man and woman...

Article 74
The state grants special protection to the process of human reproduction. Women shall have special protection during pregnancy and shall be granted maternity leave with pay and appropriate social security benefits. No one may deny employment to women for reasons of pregnancy nor dismiss them during pregnancy or the post-natal period, in conformity with the law.

Article 75
All children have equal rights. There shall be no discrimination for reasons of filial relations....

CHAPTER V
LABOR RIGHTS

Article 80
Work is a right and a social responsibility. The labor of Nicaraguans is the fundamental means to satisfy the needs of society and of the individual, and is the source of the wealth and prosperity of the nation....

Article 83
The right to strike is recognized.

Article 84
Child labor that can affect normal childhood development or interfere with the obligatory school year is prohibited. Children and adolescents shall be protected against any form of economic and social exploitation....

Article 87
Full labor union freedom exists in Nicaragua. Workers may organize voluntarily in unions, which shall be constituted in conformity with the law....

Excerpts from The Constitution of the Republic of the Philippines 1986

ARTICLE III - BILL OF RIGHTS

Section 1. No person shall be deprived of life, liberty or property without due process of law, nor shall any person be denied the equal protection of the laws.

Sec. 2. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

Sec. 3. (1) The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law.

(2) Any evidence obtained in violation of this or the preceding section shall be inadmissible for any purpose in any proceeding.

Sec. 4. No law shall be passed abridging the freedom of speech, of expression, or of the press, or the right of the people peaceably to assemble and petition the government for redress of grievances.

Sec. 5. No law shall be made respecting an establishment of religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights.

Sec. 6. The liberty of abode and of changing the same within the limits prescribed by law shall not be impaired except upon lawful order of the court. Neither shall the right to travel be impaired except in the interest of national security, public safety, or public health, as may be provided by law.

Sec. 7. The right of the people to information on matters of public concern shall be recognized. Access to official records, and to documents and papers pertaining to official acts, transactions, or decisions, as well as to government research data used as basis for policy development, shall be afforded the citizen, subject to such limitations as may be provided by law.

Sec. 8. The right of the people, including those employed in the public and private sectors, to form unions, associations, or societies for purposes not contrary to law shall not be abridged.

Sec. 9. Private property shall not be taken for public use without just compensation.

Sec. 10. No law impairing the obligation of contracts shall be passed.

Sec. 11. Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty.

See. 12. (1) Any person under investigation for the commission of an offense shall have the right to be informed of his right to remain silent and to have competent and independent counsel preferably of his own choice. If the person cannot afford the services of counsel, he must be provided with one. These rights cannot be waived except in writing and in the presence of counsel.

(2) No torture, force, violence, threat, intimidation, or any other means which vitiate the free will shall be used against him. Secret detention places, solitary, *incommunicado*, or other similar forms of detention are prohibited.

(3) Any confession or admission obtained in violation of this or Section 17 hereof shall be inadmissible in evidence against him.

(4) The law shall provide for penal and civil sanctions for violations of this section as well as compensation to and rehabilitation of victims of torture or similar practices, and their families.

Sec. 13. All persons, except those charged with offenses punishable by *reclusion perpetua* when evidence of guilt is strong, shall, before conviction, be bailable by sufficient sureties, or be released on recognizance as may be provided by law. The right to bail shall not be impaired even when the privilege of the writ of *habeas corpus* is suspended. Excessive bail shall not be required.

Sec. 14. (1) No person shall be held to answer for a criminal offense without due process of law.

(2) In all criminal prosecutions, the accused shall be presumed innocent until the contrary is proved, and shall enjoy the right to be heard by himself and counsel, to be informed of the nature and cause of the accusation against him, to have a speedy, impartial, and public trial, to meet the witnesses face to face, and to have compulsory process to secure the attendance of witnesses and the production of evidence in his behalf. However, after arraignment, trial may proceed notwithstanding the absence of the accused provided that he has been duly notified and his failure to appear is unjustifiable.

Sec. 15. The privilege of the writ of *habeas corpus* shall not be suspended except in cases of invasion or rebellion when the public safety requires it.

Sec. 16. All persons shall have the right to a speedy disposition of their cases before all judicial, quasi-judicial, or administrative bodies.

Sec. 17. No person shall be compelled to be a witness against himself.

Sec. 18. (1) No person shall be detained solely by reason of his political beliefs and aspirations.

(2) No involuntary servitude in any form shall exist except as a punishment for a crime whereof the party shall have been duly convicted.

Sec. 19. (1) Excessive fines shall not be imposed, nor cruel, degrading or inhuman punishment inflicted. Neither shall death penalty be imposed, unless, for compelling reasons involving heinous crimes, the Congress hereafter provides for it. Any death penalty already imposed shall be reduced to *reclusion perpetua*.

(2) The enjoyment of physical, psychological, or degrading punishment against any prisoner or detainee or the use of substandard or inadequate penal facilities under subhuman conditions shall be dealt with by law.

Sec. 20. No person shall be imprisoned for debt or non-payment of a poll tax.

Sec. 21. No person shall be twice put in jeopardy of punishment for the same offense. If an act is punished by a law and an ordinance, conviction or acquittal under either shall constitute a bar to another prosecution for the same act.

Sec. 22. No ex *post facto* law or bill of attainder shall be enacted.

Excerpts from The Constitution (Fundamental Law) of the Union of Soviet Socialist Republics October 7, 1977

EQUALITY OF CITIZENS' RIGHTS

Article 33. Uniform federal citizenship is established for the USSR. The grounds and procedure for acquiring or forfeiting Soviet citizenship are defined by the Law on Citizenship of the USSR. When abroad, citizens of the USSR enjoy the protection and assistance of the Soviet state.

Article 34. Citizens of the USSR are equal before the law, without distinction of origin, social or property status, race or nationality, sex, education, language, attitude to religion, type and nature of occupation, domicile, or other status. The equal rights of citizens of the USSR are guaranteed in all fields of economic, political, social, and cultural life.

Article 35. Women and men have equal rights in the USSR. Exercise of these rights is ensured by according women equal access with men to education and vocational and professional training, equal opportunities in employment, remuneration and promotion, and in social and political, and cultural activity, and by special labour and health protection measures for women; by providing conditions enabling mothers to work; by legal protection, and material and moral support for mothers and children, including paid leaves and other benefits for expectant mothers and mothers, and gradual reduction of working time for mothers with small children.

Article 36. Citizens of the USSR of different races and nationalities have equal rights. Exercise of these rights is ensured by a policy of all-round development and drawing together of all nations and nationalities of the USSR, by educating citizens in the spirit of Soviet patriotism and socialist internationalism, and by the possibility to use their native language and the languages of other peoples of the USSR. Any direct or indirect limitation of the rights of citizens or establishment of direct or indirect privileges on grounds of race or nationality, and advocacy of racial or national exclusiveness, hostility or contempt, are punishable by law.

Article 37. Citizens of other countries and stateless persons in the USSR are guaranteed the rights and freedoms provided by law....

Article 38. The USSR grants the right to asylum to foreigners persecuted for defending the interests of the working people and the cause of peace, or for participation in the revolutionary and national-liberation movement, or for progressive social and political, scientific or other creative activity.

CHAPTER 7
THE BASIC RIGHTS, FREEDOMS, AND DUTIES OF CITIZENS OF THE USSR

Article 39. Citizens of the USSR enjoy in full the social, economic, political and personal rights and freedoms proclaimed and guaranteed by the Constitution of the USSR and by Soviet laws. The socialist system ensures enlargement of the rights and freedoms of citizens and continuous improvement of their living standards as social, economic, and cultural development programmes are fulfilled. Enjoyment by citizens of their rights and freedoms must not be to the detriment of the interests of society or the state, or infringe the rights of other citizens.

Article 40. Citizens of the USSR have the right to work (that is, to guaranteed employment and pay in accordance with the quantity and quality of their work, and not below the state-established minimum), including the right to choose their trade or profession, type of job and work in accordance with their inclinations, abilities, training and education, with due account of the needs of society. This right is ensured by the social economic system, steady growth of the productive forces, free vocational and professional training, improvement of skills, training in new trades or professions, and development of the systems of vocational guidance and job placement.

Article 41. Citizens of the USSR have the right to rest and leisure. This right is ensured by the establishment of a working week not exceeding 41 hours, for workers and other employees, a shorter working day in a number of trades and industries, and shorter hours for night work; by the provision of paid annual holidays, weekly days of rest, extension of the network of cultural, educational and health-building institutions, and the development on a mass scale of sport, physical culture, and camping and tourism....

Article 42. Citizens of the USSR have the right to health protection. This right is ensured by free, qualified medical care provided by state health institutions....

Article 43. Citizens of the USSR have the right to maintenance in old age, in sickness, and in the event of complete or partial disability or loss of the breadwinner. This right is guaranteed by social insurance of workers and other employees and collective farmers; by allowances for temporary disability; by the provision by the state or by collective farms of retirement pensions, disability pensions, and pensions for loss of the breadwinner; by providing employment for the partially disabled; by care for the elderly and the disabled; and by other forms of social security.

Article 44. Citizens of the USSR have the right to housing. This right is ensured by the development and upkeep of state and socially-owned housing; by assistance for cooperative and individual house building; by fair distribution, under public control, of the housing that becomes available well-appointed dwellings, and by low rents and low charges for utility services. Citizens of the USSR shall take good care of the housing allocated to them.

Article 45. Citizens of the USSR have the right to education. This right is ensured by free provision of all forms of education, by the institution of universal, compulsory secondary education, and broad development of vocational, specialized secondary, and higher education, in which instruction is oriented toward practical activity and production; by the development of extramural, correspondence and evening courses; by the provision of state scholarships and grants and privileges for students; by the free issue of school textbooks; by the opportunity to attend a school where teaching is in the native language; and by the provision of facilities for self-education.

Article 46. Citizens of the USSR have the right to enjoy cultural benefits. This right is ensured by broad access to the cultural treasures of their own land and of the world that are preserved in state and other public collections; by the development and fair distribution of cultural and educational institutions throughout the country; by developing television and radio broadcasting and the publishing of books, newspapers and periodicals, and by extending the free library service; and by expanding cultural exchanges with other countries.

Article 47. Citizens of the USSR, in accordance with the aims of building communism, are guaranteed freedom of scientific, technical and artistic work. This freedom is ensured by broadening scientific research, encouraging invention and innovation, and developing literature and the arts. The state provides the necessary material conditions for this and support for voluntary societies and unions of workers in the arts, organizes introduction of inventions and innovations in productions and other spheres of activity. The rights of authors, inventors and innovators are protected by the state.

Article 48. Citizens of the USSR have the right to take part in the management and administration of state and public affairs and in the discussion and adoption of laws and measures of All-Union and local significance. This right is ensured by the opportunity to vote and to be elected to Soviets of People's Deputies and other elective state bodies, to take part in nationwide discussions and referendums, in people's control, in the work of state bodies, public organizations, and local community groups, and in meetings at places of work or residence.

Article 49. Every citizen of the USSR has the right to submit proposals to state bodies and public organizations for improving their activity, and to criticize shortcomings in their work. Officials are obliged, within established time-limits, to examine citizens' proposals and requests, to reply to them, and to take appropriate action. Persecution for criticism is prohibited. Persons guilty of such persecution shall be called to account.

Article 50. In accordance with the interests of the people and in order to strengthen and develop the socialist system, citizens of the USSR are guaranteed freedom of speech, of the press, and of assembly, meetings, street processions and demonstrations. Exercise of these political freedoms is ensured by putting public buildings, streets and squares at the disposal of the working people and their organizations, by broad dissemination of information, and by the opportunity to use the press, television and radio.

Article 51. In accordance with the aims of building communism, citizens of the USSR have the right to associate in public organizations that promote their political activity and initiative and satisfaction of their various interests....

Article 52. Citizens of the USSR are guaranteed freedom of conscience, that is, the right to profess or not to profess any religion, and to conduct religious worship or atheistic propa-

ganda. Incitement of hostility or hatred on religious grounds is prohibited. In the USSR, the church is separated from the state, and the school from the church.

Article 53. The family enjoys the protection of the state. Marriage is based on the free consent of the woman and the man; the spouses are completely equal in their family relations....

Article 54. Citizens of the USSR are guaranteed inviolability of the person. No one may be arrested except by a court decision or on the warrant of a procurator.

Article 55. Citizens of the USSR are guaranteed inviolability of the home. No one may, without lawful grounds, enter a home against the will of those residing in it.

Article 56. The privacy of citizens, and of their correspondence, telephone conversations, and telegraphic communications is protected by law.

Article 57. Respect for the individual and protection of the rights and freedom of citizens are the duty of all state bodies, public organizations, and officials. Citizens of the USSR have the right to protection by the courts against encroachments on their honour and reputation, life and health, and personal freedom and property.

Article 58. Citizens of the USSR have the right to lodge a complaint against the actions of officials, state bodies and public bodies. Complaints shall be examined according to the procedure and within the time limit established by law. Actions by officials that contravene the law or exceed their powers, and infringe the rights of citizens, may be appealed against in a court in the manner prescribed by law. Citizens of the USSR have the right to compensation for damage resulting from unlawful actions by state organizations and public organizations, or by officials in the performance of their duties.

Article 59. Citizens' exercise of their rights and freedoms is inseparable from the performance of their duties and obligations. Citizens of the USSR are obliged to observe the Constitution of the USSR and Soviet laws, comply with the standards of socialist conduct, and uphold the honour and dignity of Soviet citizenship.

Article 60. It is the duty of, and a matter of honour for, every able-bodied citizen of the USSR to work conscientiously in his chosen, socially useful occupation, and strictly to observe labour discipline. Evasion of socially useful work is incompatible with the principles of socialist society.

Article 61. Citizens of the USSR are obliged to preserve and protect socialist property. It is the duty of a citizen of the USSR to combat misappropriation and squandering of state and socially-owned property and to make thrifty use of the people's wealth....

Article 62. Citizens of the USSR are obliged to safeguard the interests of the Soviet state, and to enhance its power and prestige. Defence of the Socialist Motherland is the sacred duty of every citizen of the USSR. Betrayal of the Motherland is the gravest of crimes against the people.

Article 63. Military service in the ranks of the Armed Forces of the USSR is an honourable duty of Soviet citizens.

Article 64. It is the duty of every citizen of the USSR to respect the national dignity of other citizens, and to strengthen friendship of the nations and nationalities of the multinational Soviet state.

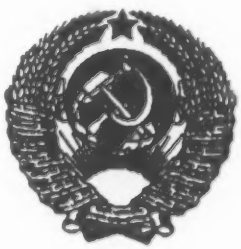
Article 65. A citizen of the USSR is obliged to respect the rights and lawful interests of other persons, to be uncompromising toward anti-social behavior, and to help maintain public order.

Article 66. Citizens of the USSR are obliged to concern themselves with the upbringing of children, to train them for socially useful work, and to raise them as worthy members of socialist society. Children are obliged to care for their parents and help them.

Article 67. Citizens of the USSR are obliged to protect nature and conserve its riches.

Article 68. Concern for the preservation of historical monuments and other cultural values is a duty and obligation of citizens of the USSR.

Article 69. It is the internationalist duty of citizens of the USSR to promote friendship and co-operation with peoples of other lands and help maintain and strengthen world peace.



The First Ten Amendments to the United States Constitution (Otherwise known as The Bill of Rights) Ratified in 1791

Amendment I
Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Amendment II
A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Amendment III
No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

Amendment IV
The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V
No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI
In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district will have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Amendment VII
In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Amendment VIII
Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX
The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Amendment X
The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The realization

that our small planet is only one of

many worlds gives mankind the perspective

it needs to realize sooner that our own world belongs

to all of its creatures, that the moon landing marks the

end of our childhood as a race and the beginning of a

newer and better civilization . . . it is not easy to see how

the more extreme forms of nationalism can long

survive when men have seen the Earth in its

true perspective as a single small globe

against the stars."

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